

## Community Development Department

### BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA March 23, 2011

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Tom Baker Meeting Room	5:00 p.m.	City-County Building
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Item No.	Page
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#### MINUTES

1. Consider the approval of the minutes of the February 23, 2011 meeting of the Bismarck Planning and Zoning Commission.

#### REGULAR AGENDA

##### FINAL CONSIDERATION/PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission.

2. **Stonecrest 2<sup>nd</sup> Addition (G<sup>2</sup>)**
  - a. Zoning Change (R10 to R10, RM30, RMH and CG)..... 1  
*Staff recommendation: approve*      ☐approve    ☐continue    ☐table    ☐deny
  - b. Final Plat.....7  
*Staff recommendation: approve*      ☐approve    ☐continue    ☐table    ☐deny
3. **Edgewood Village 4<sup>th</sup> Addition (JT)**
  - a. Zoning Change (R10, RM15 and P to R10, RM15 & P).....15  
*Staff recommendation: approve*      ☐approve    ☐continue    ☐table    ☐deny
  - b. Final Plat.....21  
*Staff recommendation: approve*      ☐approve    ☐continue    ☐table    ☐deny
4. **Lot 13, Block 1 and Lot 13, Block 2, Jennings 1<sup>st</sup> Addition – Zoning Change (RM30 to R10)(Klee).....27**  
*Staff recommendation: approve*      ☐approve    ☐continue    ☐table    ☐deny

**Bismarck-Burleigh County Community Development Department**  
221 North 5th Street • PO Box 5503 • Bismarck, ND 58506-5503 • TDD: 711 • [www.bismarck.org](http://www.bismarck.org)

5. **Southport Phase II – PUD Amendment (Lot 6) (Klee)**.....31  
*Staff recommendation: approve*                      ☐approve    ☐continue    ☐table    ☐deny
6. **Special Use Permits (Roadway Maintenance Facilities) –  
Zoning Ordinance Text Amendment (Klee)** .....43  
*Staff recommendation: approve*                      ☐approve    ☐continue    ☐table    ☐deny
7. **Subdivision Regulations (Lot Modifications) –  
Zoning Ordinance Text Amendment (Klee)** .....47  
*Staff recommendation: approve*                      ☐approve    ☐continue    ☐table    ☐deny

## OTHER BUSINESS

8. **2010 Annual Report**  
9. **Election of Officers for 2011**  
10. **Other**

## ADJOURNMENT

10. **Adjourn.** The next regular meeting date is scheduled for Wednesday, April 27, 2011.

Enclosure:       Minutes of the February 23, 2011 meeting  
                     Major Building Permits Report for February 2011  
                     Building Permit Activity Report for February 2011

# BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

<b>BACKGROUND:</b>		
<b>Title:</b> Stonecrest Second Addition – Zoning Change (R10 to RMH, R10, RM30, and CG)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> March 23, 2011	
<b>Owner(s):</b> Liechty Homes, Inc.	<b>Engineer:</b> Toman Engineering Company	
<b>Reason for Request:</b> Plat and zone property for residential and commercial development.		
<b>Location:</b> In northeast Bismarck, less than ½ mile north of Century Avenue on the west side of Centennial Avenue. (part of the N ½ of the SE ¼ of Section 23, T139N-R80W/ Hay Creek Township)		
<b>Project Size:</b> 37.61 acres	<b>Number of Lots:</b> 19 lots in 7 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> R10 - Residential	<b>Land Use:</b> Manufactured housing development with lots for twin homes, apartments, and commercial development	
	<b>Zoning:</b> RMH-Residential, R10-Residential, RM30-Residential, CG-Commercial	
<b>Uses Allowed:</b> Single and two-family residential	<b>Uses Allowed:</b> RMH-Single-family manufactured homes on rented lots; R10-single and two-family houses; RM30-multi-family dwellings; CG-multi-family dwellings, offices, taverns, wholesale and heavy commercial	
<b>Maximum Density Allowed:</b> 10 units per acre	<b>Maximum Density Allowed:</b> RMH = 7 units per acre, R10 = 10 units per acre, RM30 = 30 units per acre CG = 42 units per acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 2001	<b>Platted:</b> N/A	<b>Annexed:</b> February, 2011
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. Blocks 2 and 3 of the proposed plat are longer than 900-feet. Per the Zoning Ordinance Section 14-09-05(3)(b): <i>"Pedestrian walkways not less than twelve (12) feet wide may be required in blocks longer than nine hundred (900) feet where such crosswalks are deemed by the planning commission to be essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, or other community facilities . . ."</i></li> <li>2. The applicant had earlier requested walkways not be required (see 1/14/11 letter). The applicant has since agreed to include a pedestrian walkway through Block 3. Block 2 has steeper grades and locating a walkway at the middle of that block might encourage pedestrians to cross Calgary Avenue halfway between street intersection crosswalks, therefore a pedestrian walkway through Block 2 is not essential and not recommended.</li> </ol>		
<i>continued . . .</i>		

**FINDINGS:**

1. The proposed zoning change would be consistent with the Land Use Plan, which identifies the long range use of this area as general commercial west of Centennial Road with urban residential to the west of that (Bismarck-Mandan Regional Land Use Plan).
2. The proposed zoning change is compatible with adjacent land uses and would not adversely affect property in the vicinity. Adjacent land uses include single-family dwellings and a church to the south; the KOA campground to the north; and undeveloped land to the east and west.
3. The subdivision proposed for this property has already been annexed; therefore, the zoning change will not place an undue burden on public services and facilities.
4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

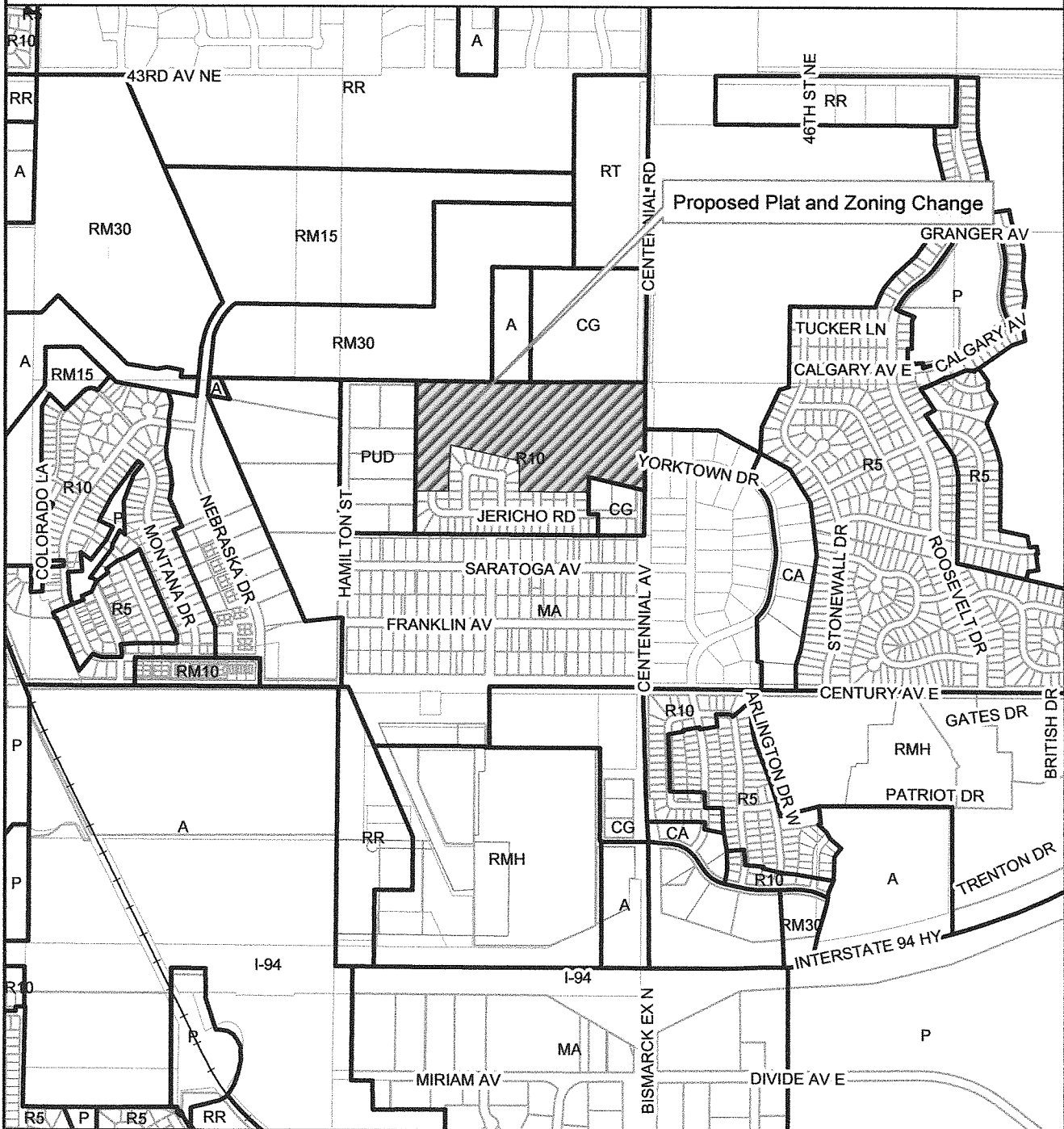
**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the zoning change for Stonecrest Second Addition from R10-Residential to:

- RMH-Residential for Lot 1, Block 1; Lot 1, Block 2; Lots 1-3, Block 3; Lot 1, Block 4; and Lot 1, Block 5;
- R10-Residential for Lots 1-2, Block 6;
- RM30-Residential for Lots 2-3, Block 2; Lots 4-6, Block 3; and Lot 3, Block 6, and;
- CG-Commercial for Lots 1-4, Block 7



# **Proposed Plat & Zoning Change from R10 to R10, RMH, RM & CG Stonecrest Second Addition**



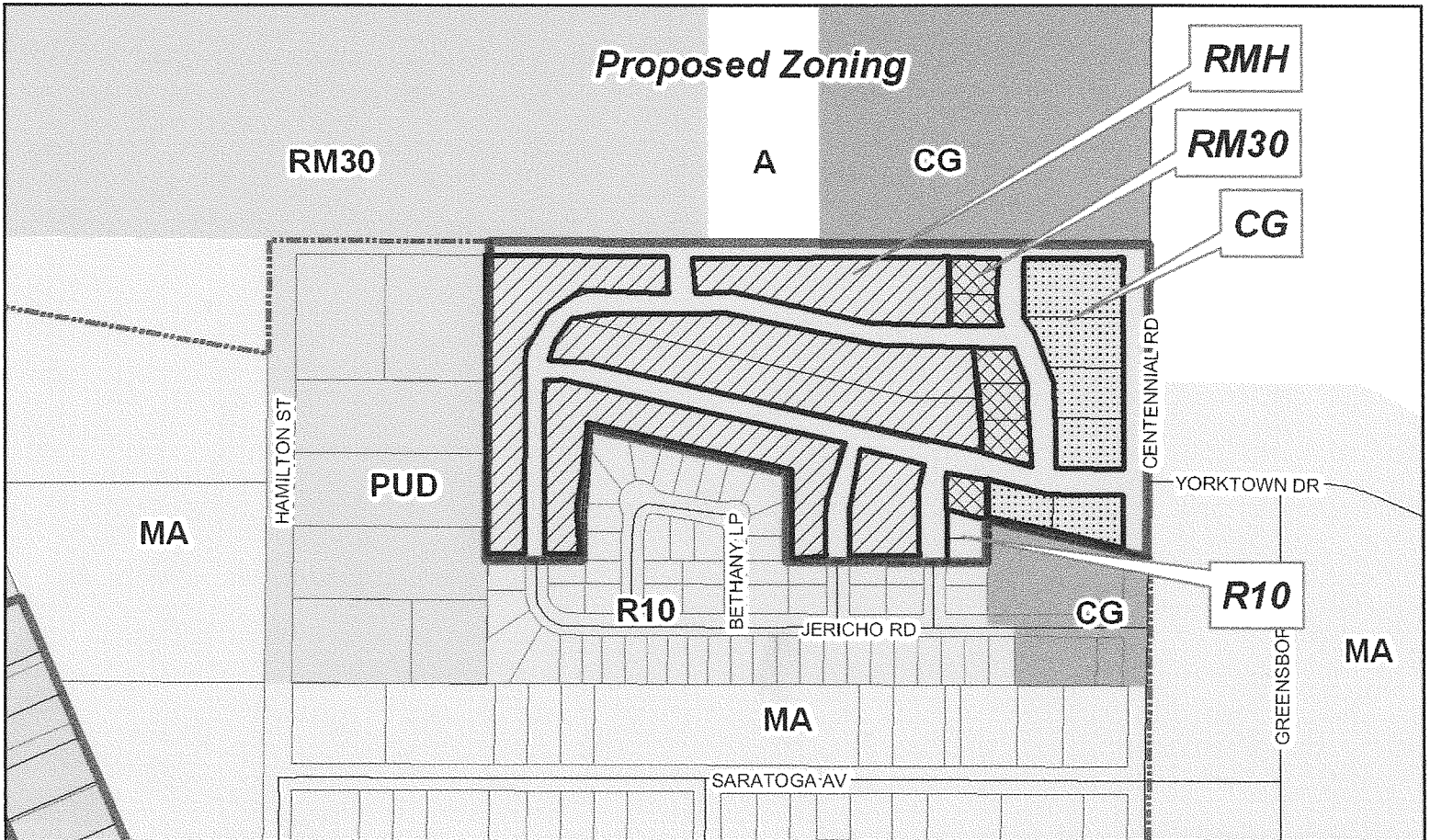
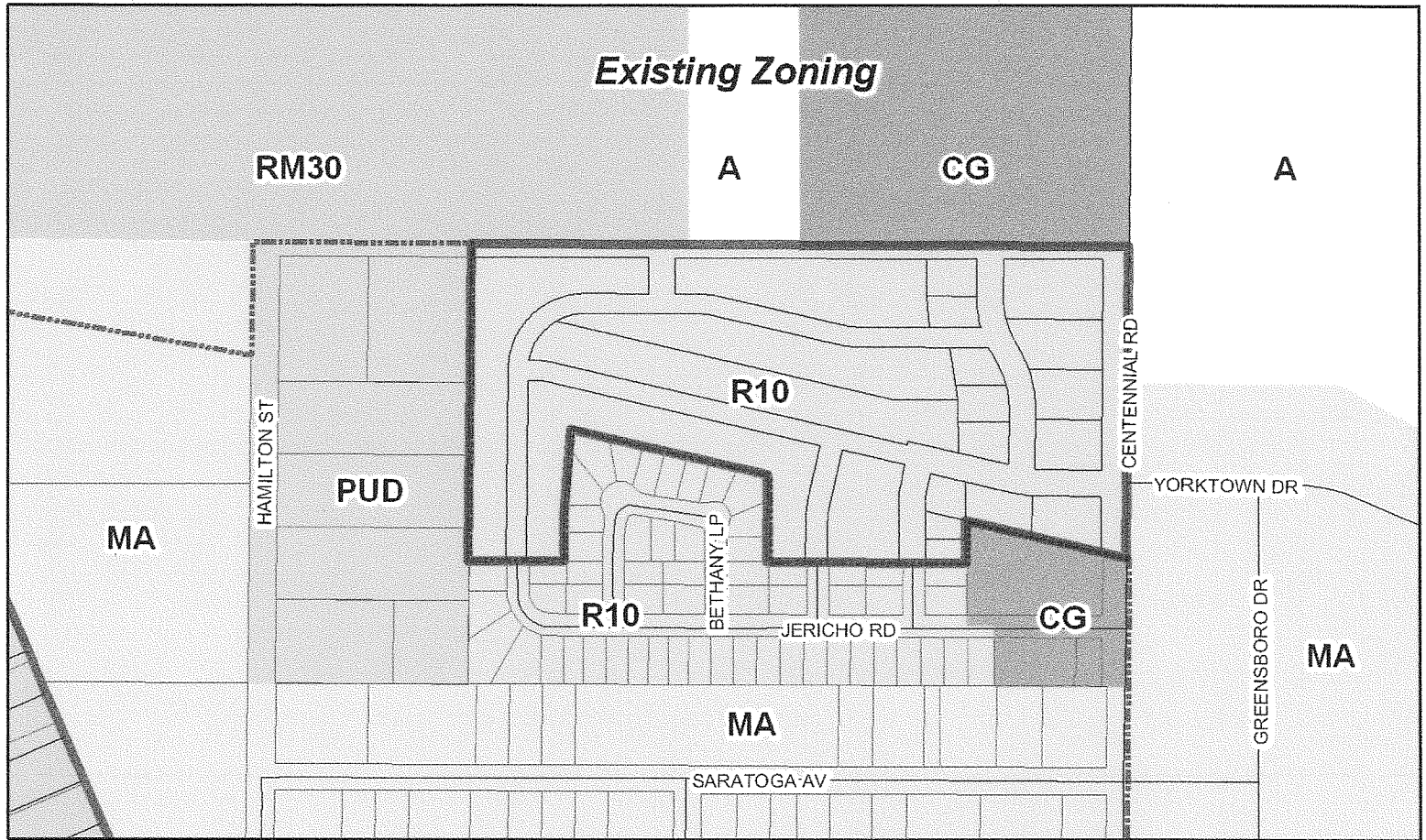
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: November 24, 2010 (kdg)

Source: City of Bismarck



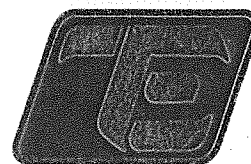
0 1,000 2,000 Feet

# Stonecrest Second Addition - Zoning Change (R10 to CG, RM30, R10 & RMH)



RECEIVED

JAN 14 2011



January 14, 2011

Bismarck Planning & Dev.  
Greg Greenquist  
PO Box 5503  
Bismarck, ND 58506-5503

RE: StoneCrest 2<sup>nd</sup> Addition  
TECo #04293

Reference is made to the Plat Review Memorandum dated January 10, 2011 and the Plat Review Meeting held on January 10, 2011.

Attached is the re-submittal of the preliminary plat for StoneCrest 2<sup>nd</sup> Addition revised as per the memorandum and as discussed at the Plat Review Meeting with the exception of the pedestrian walkway.

The Bismarck Zoning Ordinance suggests walkways when city blocks are longer than 900 feet. In the StoneCrest 2<sup>nd</sup> Addition Plat, Blocks 2 and 3 are longer than the 900 feet. The average length of Block 2 is 903 feet and Block 3 is 1378 feet. The vertical elevation difference in Block 2 between Jericho Road to Calgary Avenue is 21 feet and in Block 3 from Yorktown to Jericho Road is 8 feet. The elevation difference in these areas makes it very non-desirable to construct a walkway without stairways.

We are requesting that this walkway not be required for the StoneCrest 2<sup>nd</sup> Addition Plat. Attached you will find a sheet indicating block lengths and distances between intersections.

If you have any questions please call.

Sincerely,

Harvey Schneider  
TOMAN ENGINEERING CO.

Enc

701-663-6483 | Fax: 701-663-0923  
501 1st St NW | Mandan, ND 58554

**TOMAN ENGINEERING**  
C O M P A N Y  
Civil Engineers & Land Surveyors

## BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

<b>BACKGROUND:</b>		
<b>Title:</b> Stonecrest Second Addition – Final Plat		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> March 23, 2011	
<b>Owner(s):</b> Liechty Homes, Inc.	<b>Engineer:</b> Toman Engineering Company	
<b>Reason for Request:</b> Plat and zone property for residential and commercial development.		
<b>Location:</b> In northeast Bismarck, less than ½ mile north of Century Avenue on the west side of Centennial Avenue (part of the N ½ of the SE ¼ of Section 23, T139N-R80W/ Hay Creek Township)		
<b>Project Size:</b> 37.61 acres	<b>Number of Lots:</b> 21 lots in 7 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> R10 - Residential	<b>Land Use:</b> Manufactured housing development with lots for twin homes, apartments, and commercial development	
	<b>Zoning:</b> RMH-Residential, R10-Residential, RM30-Residential, CG-Commercial	
<b>Uses Allowed:</b> Single and two-family residential	<b>Uses Allowed:</b> RMH-Single-family manufactured homes on rented lots; R10-single and two-family houses; RM30-multi-family dwellings; CG-multi-family dwellings, offices, taverns, wholesale and heavy commercial	
<b>Maximum Density Allowed:</b> 10 units per acre	<b>Maximum Density Allowed:</b> RMH = 7 units per acre, R10 = 10 units per acre, RM30 = 30 units per acre, CG = 42 units per acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 2001	<b>Platted:</b> N/A	<b>Annexed:</b> February, 2011
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. Blocks 2 and 3 of the proposed plat are longer than 900-feet. Per the Zoning Ordinance Section 14-09-05(3)(b): <i>"Pedestrian walkways not less than twelve (12) feet wide may be required in blocks longer than nine hundred (900) feet where such crosswalks are deemed by the planning commission to be essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, or other community facilities . . ."</i></li> <li>2. The applicant had earlier requested walkways not be required (see 1/14/11 letter). The applicant has since agreed to include a pedestrian walkway through Block 3. Block 2 has steeper grades and locating a walkway at the middle of that block might encourage pedestrians to cross Calgary Avenue halfway between street intersection crosswalks, therefore a pedestrian walkway through Block 2 is not essential and not recommended.</li> </ol>		
<i>continued . . .</i>		

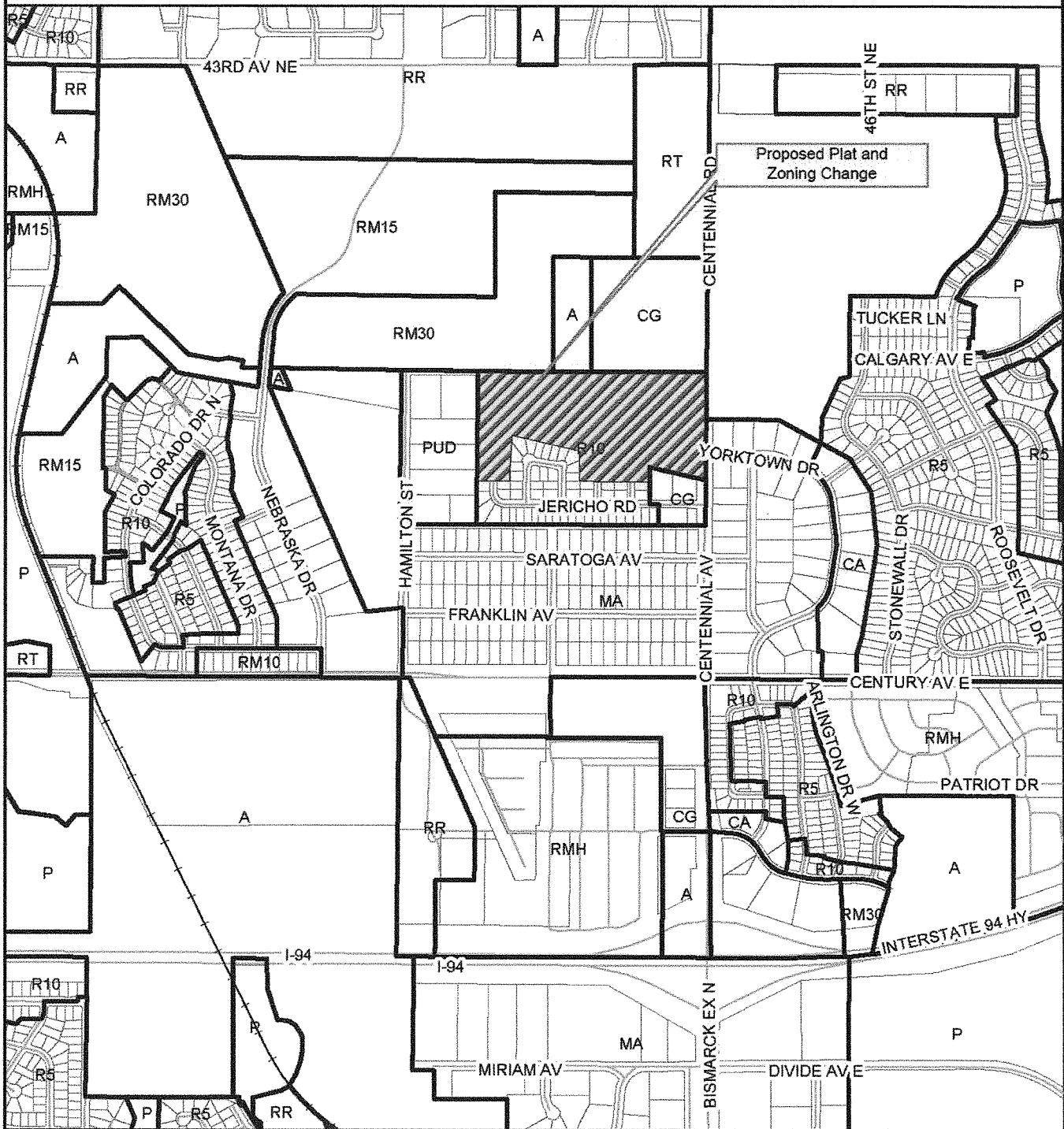
**FINDINGS:**

1. All technical requirements for approval of a final plat have been met.
2. The storm water management plan has been approved by the City Engineer.
3. The proposed plat is compatible with adjacent land uses and would not adversely affect property in the vicinity. Adjacent land uses include single-family dwellings and a church to the south; the KOA campground to the north; and undeveloped land to the east and west.
4. The proposed subdivision complies with the Fringe Area Road Master Plan. Adequate right-of-way will be dedicated for Calgary Avenue. Adequate right-of-way already exists along Centennial Road.
5. The proposed subdivision will be an urban subdivision which has already been annexed, therefore, it will not place an undue burden on public services.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the final plat of Stonecrest Second Addition.

# **Proposed Plat & Zoning Change from R10 to RMH, RM & CG Stonecrest Second Addition**



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: December 28, 2010 (kdg)

Source: City of Bismarck



0 1,050 2,100 Feet

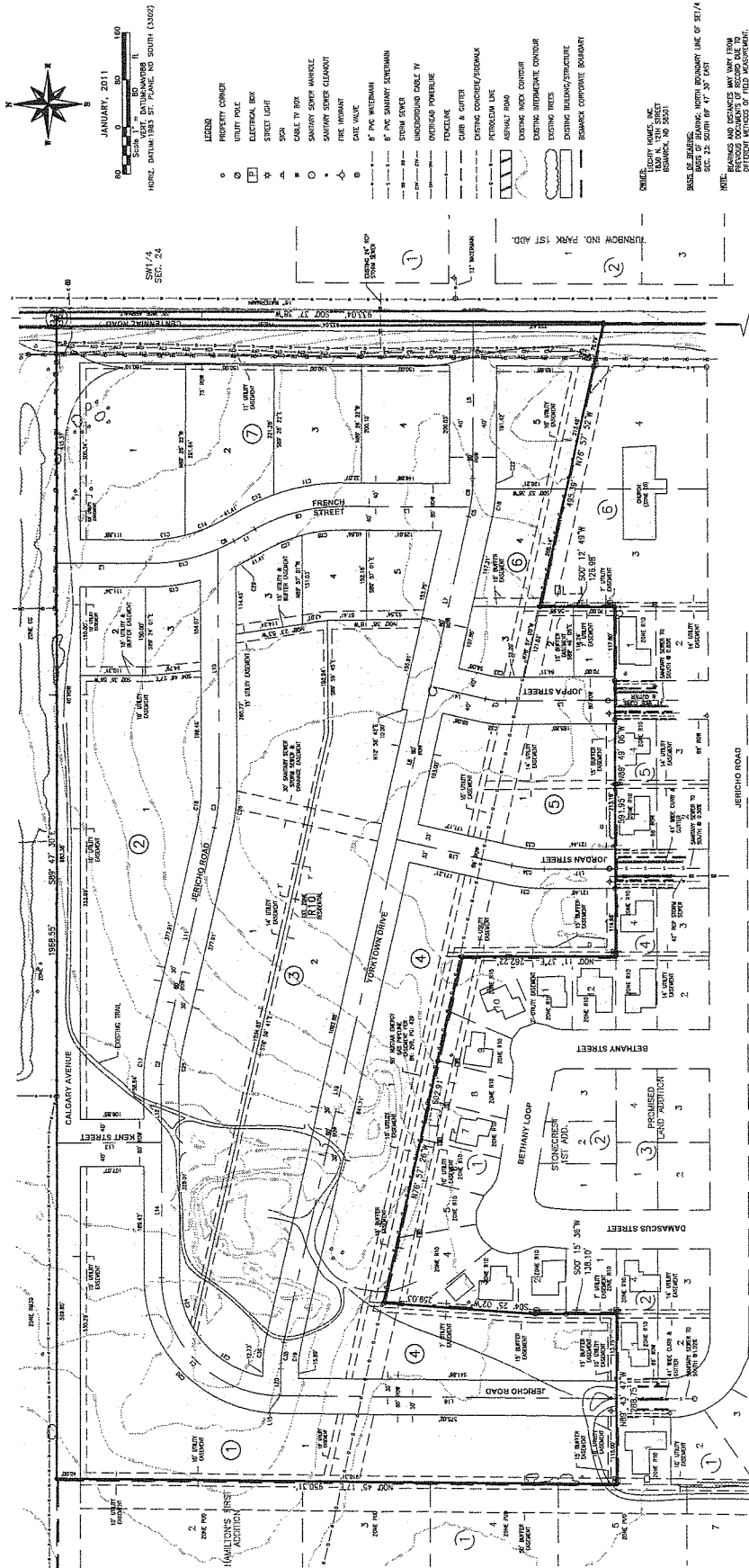




RECEIVED

JAN 14 2011

# PRELIMINARY PLAT OF STONECREST SECOND ADDITION OF BURLEIGH COUNTY, NORTH DAKOTA PART OF THE N1/2 OF THE SE1/4 OF SECTION 23, T139N-R80W



LEGEND

- PROPERTY CORNER
- UTILITY POLE
- ELECTRICAL BOX
- STREET LIGHT
- SEAL
- CONCRETE DRIVE
- SAVING STAMP MARKER
- SAVING STAMP CEMENT
- PIPE MARKER
- DATE VALUE
- 8" PVC WATERMAIN
- 8" PVC SANITARY SEWERMAIN
- STORM SEWER
- UNDERGROUND CABLE TV
- OVERHEAD POWERLINE
- FOOTCURE
- CURB & GUTTER
- EXTENSIVE CONCRETE/PAVEMENT
- PETROLEUM LINE
- ASPHALT ROAD
- EXTENSIVE IRON CONTAINER
- EXTENSIVE INTERMEDIATE CONTAINER
- EXTENSIVE REES
- EXTENSIVE BUILDING/STRUCTURE
- EXTENSIVE CORPORATE BOUNDARY

NOTES

1. ACCORDING TO PLAT MAP NUMBER 2002-00000, DATED ONE JAN 19, 2005, THE PLAT MAP NUMBER 2002-00000, DATED ONE JAN 19, 2005, IS THE BASIS FOR THIS PLAT.
2. THE PLAT MAP NUMBER 2002-00000, DATED ONE JAN 19, 2005, IS THE BASIS FOR THIS PLAT.
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STREET CENTERLINE LINE TABLE

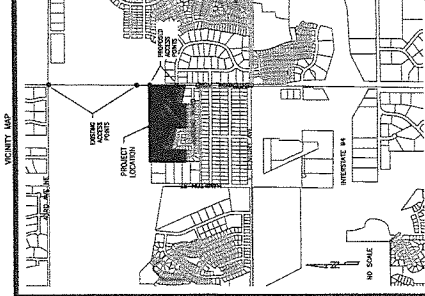
LINE #	BEARING	DISTANCE
1	S 89° 12' 47"E	41.41'
2	S 89° 35' 59"E	151.81'
3	S 89° 35' 59"E	218.14'
4	S 89° 35' 59"E	98.08'
5	S 89° 35' 59"E	186.09'
6	S 89° 35' 59"E	288.47'
7	S 89° 35' 59"E	288.47'
8	S 89° 35' 59"E	288.47'
9	S 89° 35' 59"E	288.47'
10	S 89° 35' 59"E	288.47'

STREET CENTERLINE CURVE TABLE

CURVE #	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	119.45'	S 89° 12' 47"E	119.45'
C2	58.90'	S 89° 35' 59"E	58.90'
C3	119.45'	S 89° 35' 59"E	119.45'
C4	58.90'	S 89° 35' 59"E	58.90'
C5	119.45'	S 89° 35' 59"E	119.45'
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C9	119.45'	S 89° 35' 59"E	119.45'
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LOT TABLE

LOT #	AREA	ACRES	REMARKS
1	10.00	0.23	
2	10.00	0.23	
3	10.00	0.23	
4	10.00	0.23	
5	10.00	0.23	
6	10.00	0.23	
7	10.00	0.23	
8	10.00	0.23	
9	10.00	0.23	
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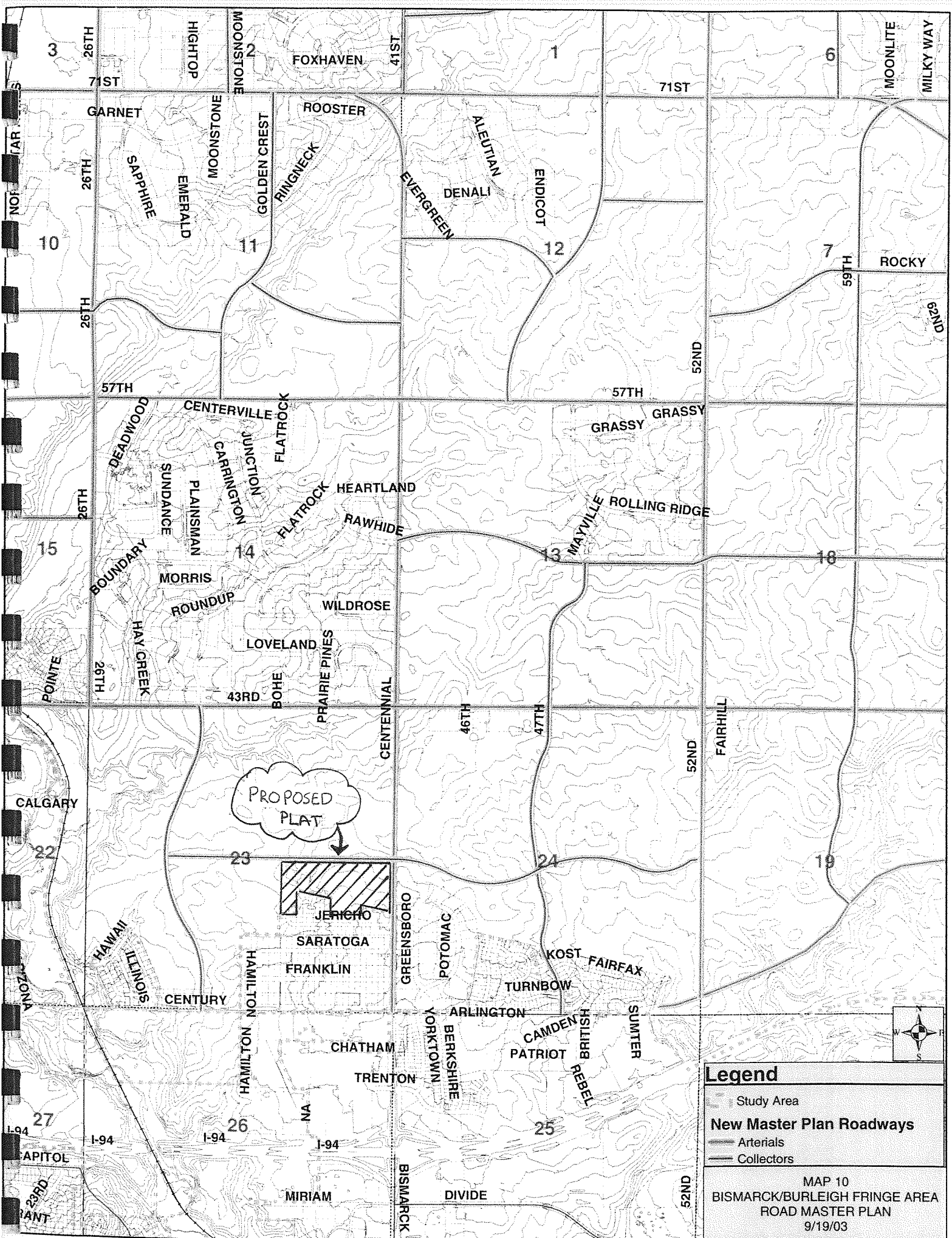
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**TOMAN ENGINEERING**  
1000 1st Avenue North  
Fargo, ND 58103  
Phone: 701-683-6463 • Fax: 701-683-0923  
www.toman-engineering.com





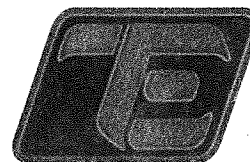
**Legend**

- Study Area
- New Master Plan Roadways
  - Arterials
  - Collectors

MAP 10  
BISMARCK/BURLEIGH FRINGE AREA  
ROAD MASTER PLAN  
9/19/03

RECEIVED

JAN 14 2011



January 14, 2011

Bismarck Planning & Dev.  
Greg Greenquist  
PO Box 5503  
Bismarck, ND 58506-5503

RE: StoneCrest 2<sup>nd</sup> Addition  
TECo #04293

Reference is made to the Plat Review Memorandum dated January 10, 2011 and the Plat Review Meeting held on January 10, 2011.

Attached is the re-submittal of the preliminary plat for StoneCrest 2<sup>nd</sup> Addition revised as per the memorandum and as discussed at the Plat Review Meeting with the exception of the pedestrian walkway.

The Bismarck Zoning Ordinance suggests walkways when city blocks are longer than 900 feet. In the StoneCrest 2<sup>nd</sup> Addition Plat, Blocks 2 and 3 are longer than the 900 feet. The average length of Block 2 is 903 feet and Block 3 is 1378 feet. The vertical elevation difference in Block 2 between Jericho Road to Calgary Avenue is 21 feet and in Block 3 from Yorktown to Jericho Road is 8 feet. The elevation difference in these areas makes it very non-desirable to construct a walkway without stairways.

We are requesting that this walkway not be required for the StoneCrest 2<sup>nd</sup> Addition Plat. Attached you will find a sheet indicating block lengths and distances between intersections.

If you have any questions please call.

Sincerely,

A handwritten signature in cursive script that reads "Harvey Schneider".

Harvey Schneider  
TOMAN ENGINEERING CO.

Enc

## BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

<b>BACKGROUND:</b>		
<b>Title:</b> Edgewood Village Fourth Addition – Zoning Change (R10, RM15 & P to R10, RM15 & P)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> March 23, 2011	
<b>Owner(s):</b> Edgewood Village 2 <sup>nd</sup> Addition, LLLP	<b>Engineer:</b> Swenson, Hagen & Company	
<b>Reason for Request:</b> To commence with the fourth phase of the Edgewood Village residential development.		
<b>Location:</b> In northeast Bismarck, north of Century Avenue, between Colorado Drive and Nebraska Drive (a replat of Lots 9- 26, Block 3, and Lots 1-17, Block 4, Edgewood Village Second Addition and the adjoining Montana Drive, in part of the SW ¼ of Section 23, T139N-R80W/Hay Creek Township).		
<b>Project Size:</b> 15.9 acres	<b>Number of Lots:</b> 10 lots in 2 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Vacant/Undeveloped	<b>PROPOSED CONDITIONS:</b>	
	<b>Land Use:</b> Single and two-family residential and a skilled care campus.	
<b>Zoning:</b> R10 – Residential RM15 – Residential P – Public	<b>Zoning:</b> R10 – Residential RM15 – Residential P – Public	
<b>Uses Allowed:</b> R10 – Single and two-family residential RM15 – Multi-family residential including group living P – Public uses	<b>Uses Allowed:</b> R10-Single and two-family residential RM15 – Multi-family residential including group living P – Public uses	
<b>Maximum Density Allowed:</b> R10 – 10 units per acre RM15 – 15 units per acre P – N/A	<b>Maximum Density Allowed:</b> R10 – 10 units per acre RM15 – 15 units per acre P – N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> March 2008	<b>Platted:</b> March 2008	<b>Annexed:</b> March 2008
<b>ADDITIONAL INFORMATION:</b>		
1. Preliminary concept plans have been submitted for the proposed Lot 1, Block 1. The conceptual plans illustrate a skilled care facility with parking and open spaces incorporated into the plans and primary access on Nebraska Drive. Formal site plans have not been submitted for staff review at this time.		
<b>FINDINGS:</b>		
1. The proposed zoning change is consistent with the Land Use Plan which identifies the long range use of this area as urban residential (Bismarck-Mandan Regional Land Use Plan).		

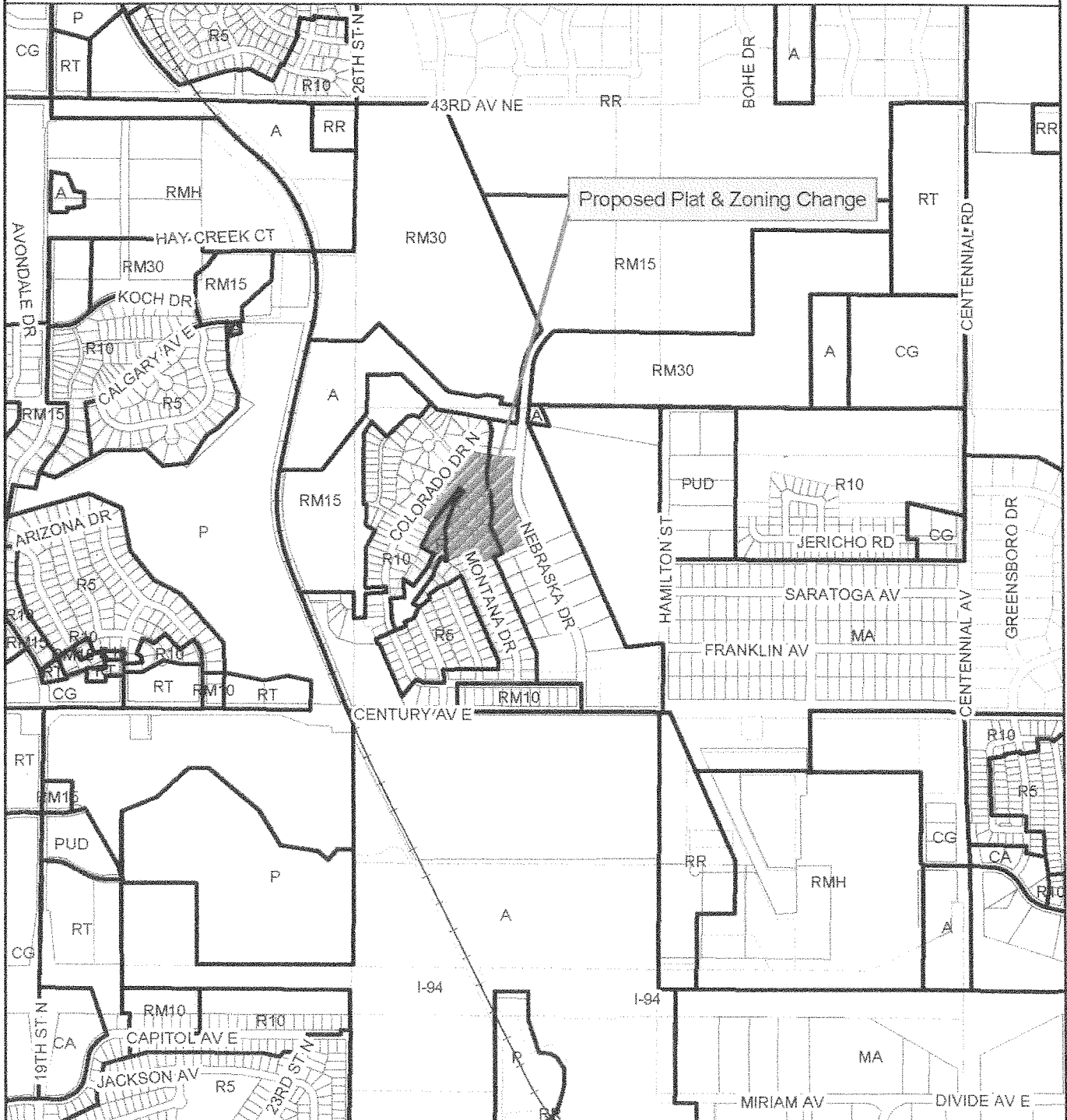
continued...

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developed single, two and multi-family subdivisions to the south, southeast and southwest, Edgewood Village to the west, undeveloped, single, two and multi-family zoning to the north and undeveloped multi-family zoned property to the east.
3. The property is already annexed; therefore the proposed zoning change would not place an undue burden on public services.
4. The proposed zoning change would not adversely affect property in the vicinity if the orientation and main entrance of the proposed building recognizes Nebraska Drive as the collector roadway.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval for the zoning change for Edgewood Village Fourth Addition from R10-Residential, RM15-Residential and P-Public to R10-Residential for Lots 1-8, Block 2, RM15-Residential for Lot 1, Block 1 and P-Public for Lot 9, Block 2.

# **Proposed Plat & Zoning Change from RM15, R10 & P to RM15, R10 & P** **Edgewood Village Fourth Addition**



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
 Map was Updated/Created: December 28, 2010 (ldg)

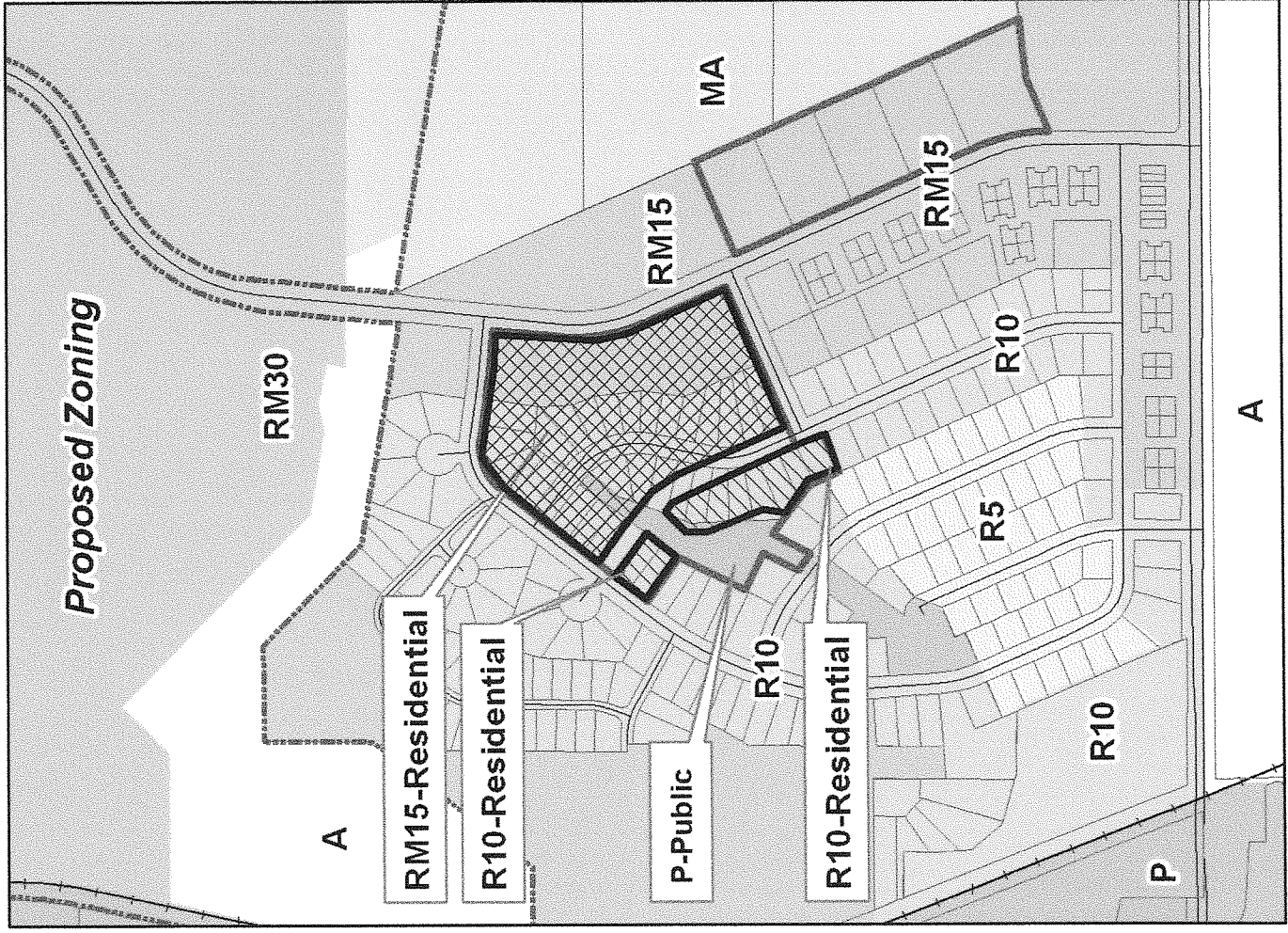
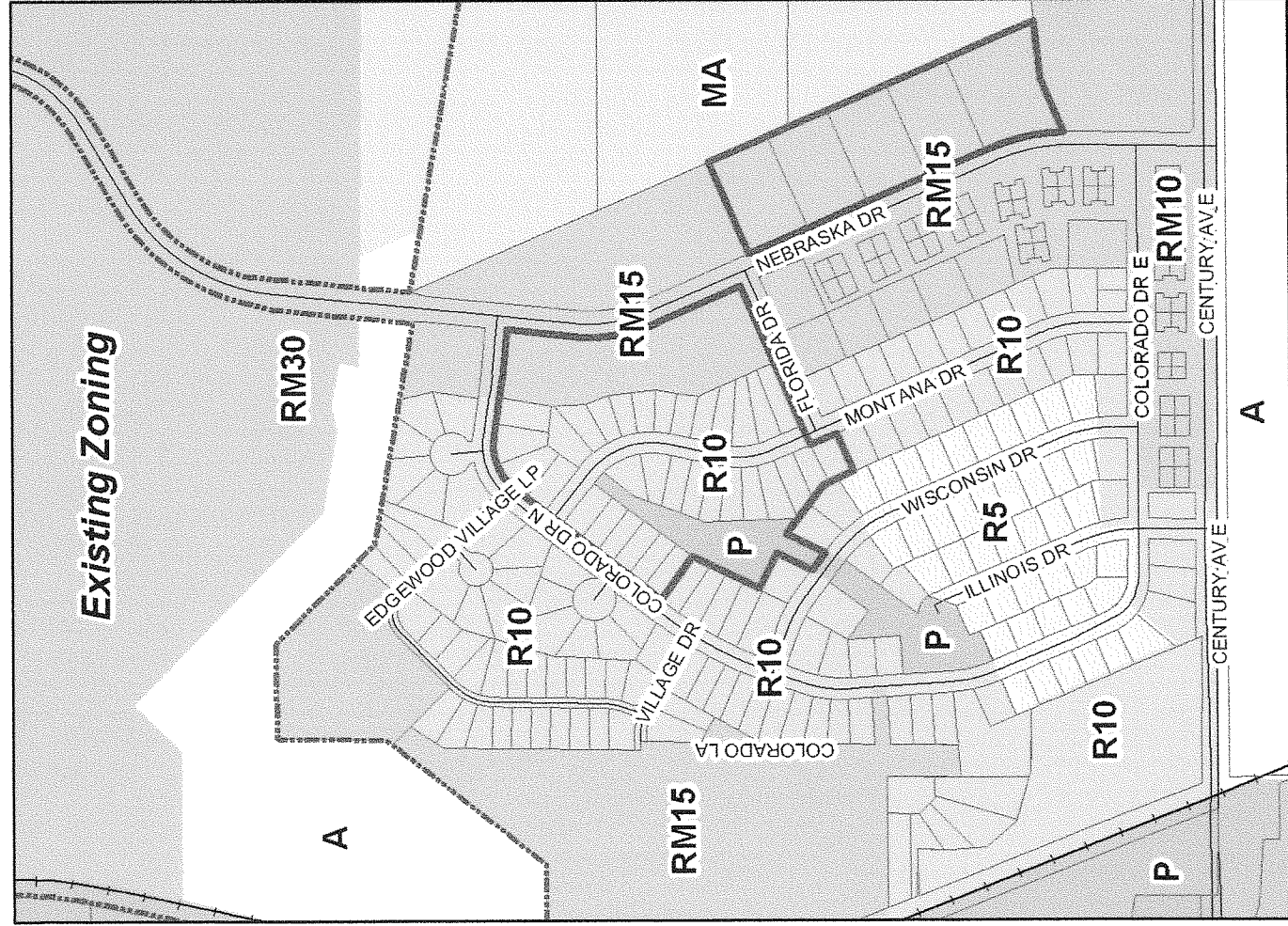
Source: City of Bismarck



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 Feet



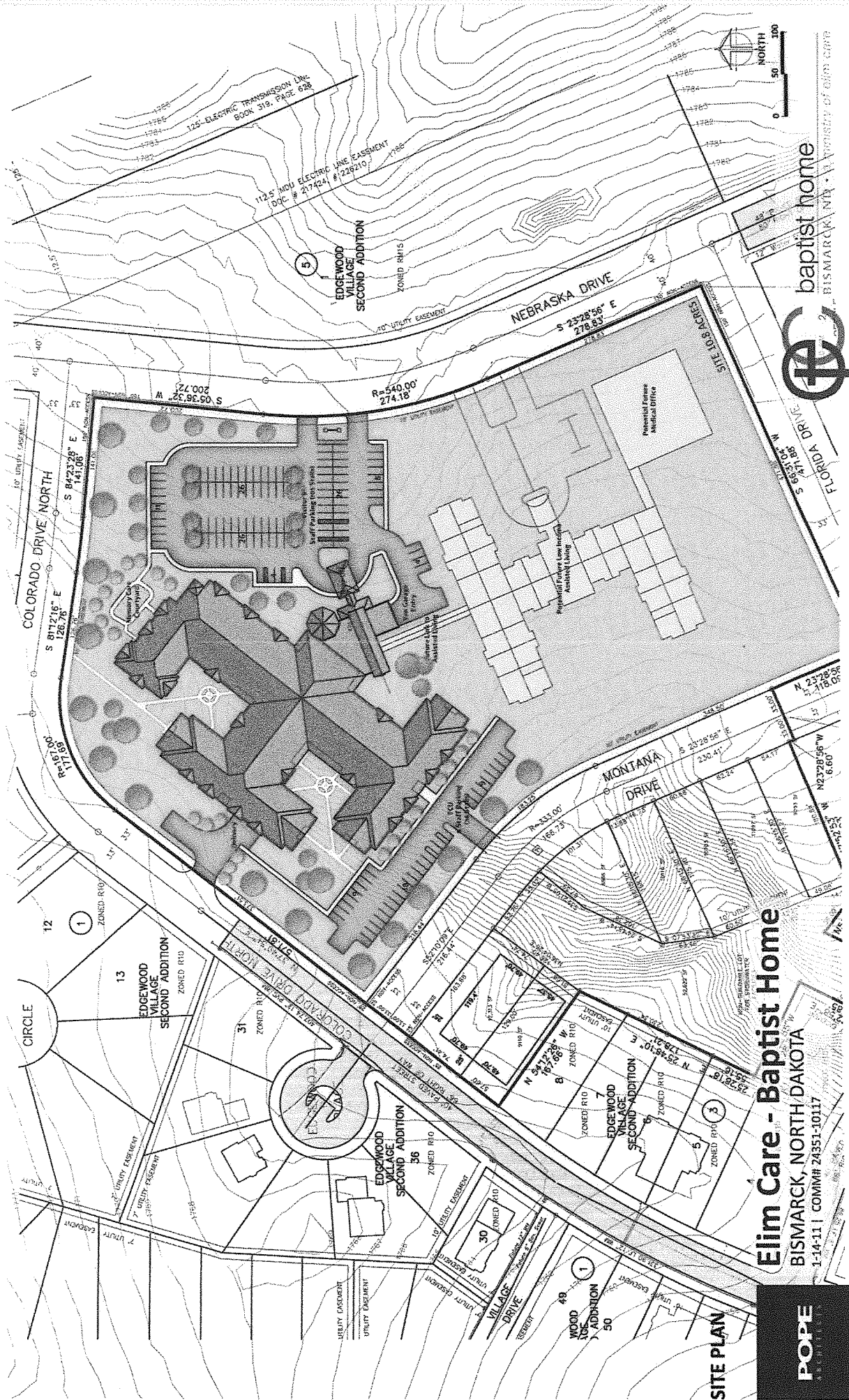
# Edgewood Village Fourth Addition - Zoning Change (R10, RM15 & P to R10, RM15 & P)



March 2011

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





# Elim Care - Baptist Home

BISMARCK, NORTH DAKOTA

1-14-11 | COMM# 24351-10117

# WALTON

## BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

<b>BACKGROUND:</b>		
<b>Title:</b> Edgewood Village Fourth Addition – Final Plat		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> March 23, 2011	
<b>Owner(s):</b> Edgewood Village 2 <sup>nd</sup> Addition, LLLP	<b>Engineer:</b> Swenson, Hagen & Company	
<b>Reason for Request:</b> To commence with the fourth phase of the Edgewood Village residential development.		
<b>Location:</b> In northeast Bismarck, north of Century Avenue, between Colorado Drive and Nebraska Drive (a replat of Lots 9-26, Block 3, and Lots 1-17, Block 4, Edgewood Village Second Addition and the adjoining Montana Drive, in part of the SW ¼ of Section 23, T139N-R80W/Hay Creek Township).		
<b>Project Size:</b> 15.49 acres	<b>Number of Lots:</b> 10 lots in 2 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Vacant/Undeveloped	<b>PROPOSED CONDITIONS:</b>	
	<b>Land Use:</b> Single and two-family residential and a skilled care center.	
<b>Zoning:</b> R10 – Residential RM15 – Residential P – Public	<b>Zoning:</b> R10 – Residential RM15 – Residential P – Public	
<b>Uses Allowed:</b> R10 – Single and two-family residential RM15 – Multi-family dwellings including group living P – Public uses	<b>Uses Allowed:</b> R10 – Single and two-family residential RM15 – Multi-family residential including group living P – Public uses	
<b>Maximum Density Allowed:</b> R10 – 10 units per acre RM15 – 15 units per acre P – N/A	<b>Maximum Density Allowed:</b> R10 – 10 units per acre RM15 – 15 units per acre P – N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> March 2008	<b>Platted:</b> March 2008	<b>Annexed:</b> March 2008
<b>ADDITIONAL INFORMATION:</b>		
1. Preliminary concept plans have been submitted for the proposed Lot 1, Block 1. The conceptual plans illustrate a skilled care facility with parking and open spaces incorporated into the plans and primary access on Nebraska Drive. Formal site plans have not been submitted for staff review at this time.		
<b>FINDINGS:</b>		
1. All technical requirements for approval of a final plat have been met.		

*continued...*

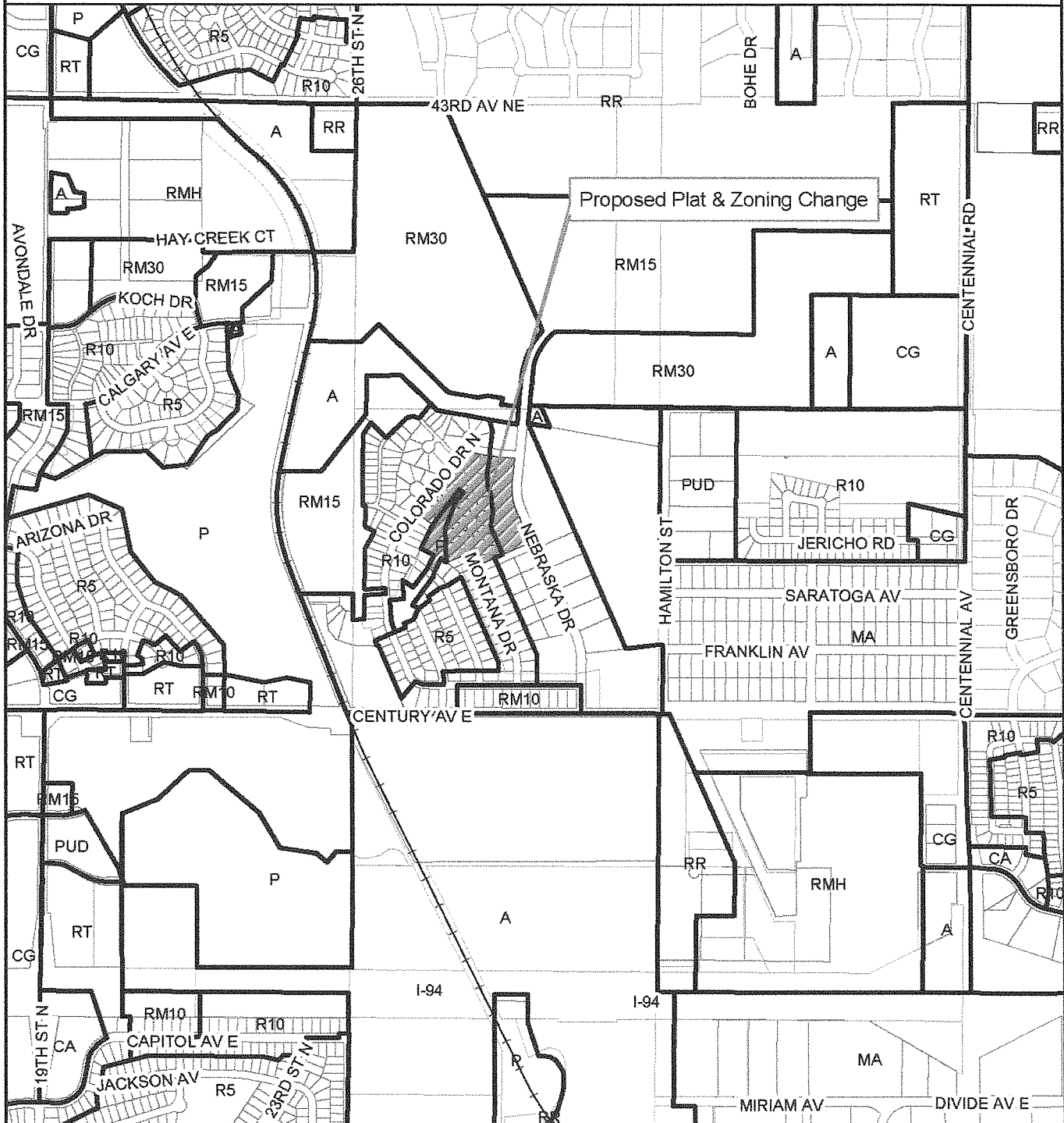


2. The proposed subdivision generally conforms with the Fringe Area Road Master Plan, which identifies Nebraska Drive as the north-south collector roadway for Section 23.
3. The storm water management plan has been approved by the City Engineer.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developed single, two and multi-family subdivisions to the south, southeast and southwest, Edgewood Village to the west, undeveloped, single, two and multi-family zoning to the north and undeveloped multi-family zoned property to the east.
5. The property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services.
6. The proposed subdivision would not adversely affect property in the vicinity if the orientation and main entrance of the proposed building recognizes Nebraska Drive as the collector roadway.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the final plat for Edgewood Village Fourth Addition.

# **Proposed Plat & Zoning Change from RM15, R10 & P to RM15, R10 & P** **Edgewood Village Fourth Addition**



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
 Map was Updated/Created: December 28, 2010 (kdj)

Source: City of Bismarck



0 1,100 2,200 Feet

RECEIVED  
JAN 17 1971  
FOOD VILLAGE SECOND  
STREET  
VALLEJO SECOND

THE ABOVE DESIGN

60' 0 60'

SCALE - 1"=60'

FEBRUARY 18, 2010

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARK, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA. ORDINANCES OF THE CITY OF BISMARK AND REGULATIONS ADOPTED BY THE PLANNING AND LAND-USE COMMISSION, IN WITNESS WHEREOF, ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARK.

**CARL D. HOKENSTAD - SECRETARY**

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS AND ALLEYS SHOWN THEREON, HAS APPROVED THE GROUNDES AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE SUBDIVISION PLAN OF THE CITY OF BISMARK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION, APPROVED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

W. C. WICKEN -- CITY ADMINISTRATOR

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE  
"EDGEWOOD VILLAGE FOURTH ADDITION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

CURVE DATA				
SYMBOL	DELTA ANGLE	TANGENT	RADIUS	ARC LENGTH
A	28°41'13"	65.15'	333.00'	166.73'

BASIS OF BEARING:  
NORTH DAKOTA STATE PLANE  
NAD 83 SOUTH ZONE  
DATUM: NAD 1929

BASIS OF BEARING:  
NORTH DAKOTA STATE PLANE  
NAD 83 SOUTH ZONE  
DATUM: NAD 1929

KNOW TO ALL MEN BY THESE PRESENTS THAT BISHARUP LAKE COMPANY, LLC, BEING THE OWNER'S AND CO-OWNERS/CO-REGISTRARS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS TIDEWOOD WILAGE FOURTH ADDITION, BISHARUP, NORTH DAKOTA, AND DOES SO HEREBY CERTIFY THAT THE PLATTED STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LOCATIONS ARE NOT TO BE USED BY THE PUBLIC. USE FORFEIT.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS, INCLUDING EASEMENT SHOWING AS "UTILITY EASEMENT" ALONG NEBRASKA DRIVE.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BIRMINGHAM "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND STORM WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DESIGNATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THEREFOR FOR STORM WATER, STORM WATER DRAINAGE AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSSHOED THAT ARE THE EASEMENT

[illegible]

1000

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011, BEFORE ME PERSONALLY APPEARED PHIL QISI OF BISMARCK AND COMPANY, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

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**SWENSON, HAGEN & COMPANY P.C.**  
3001 Ridge Avenue  
Bismarck, North Dakota 58504  
Telephone (701) 223-2200  
Fax (701) 223-2205

Interior Design  
Landscape  
Interior Architecture  
Kitchen Remodeling  
Bath Remodeling  
Landscaping & Site Design

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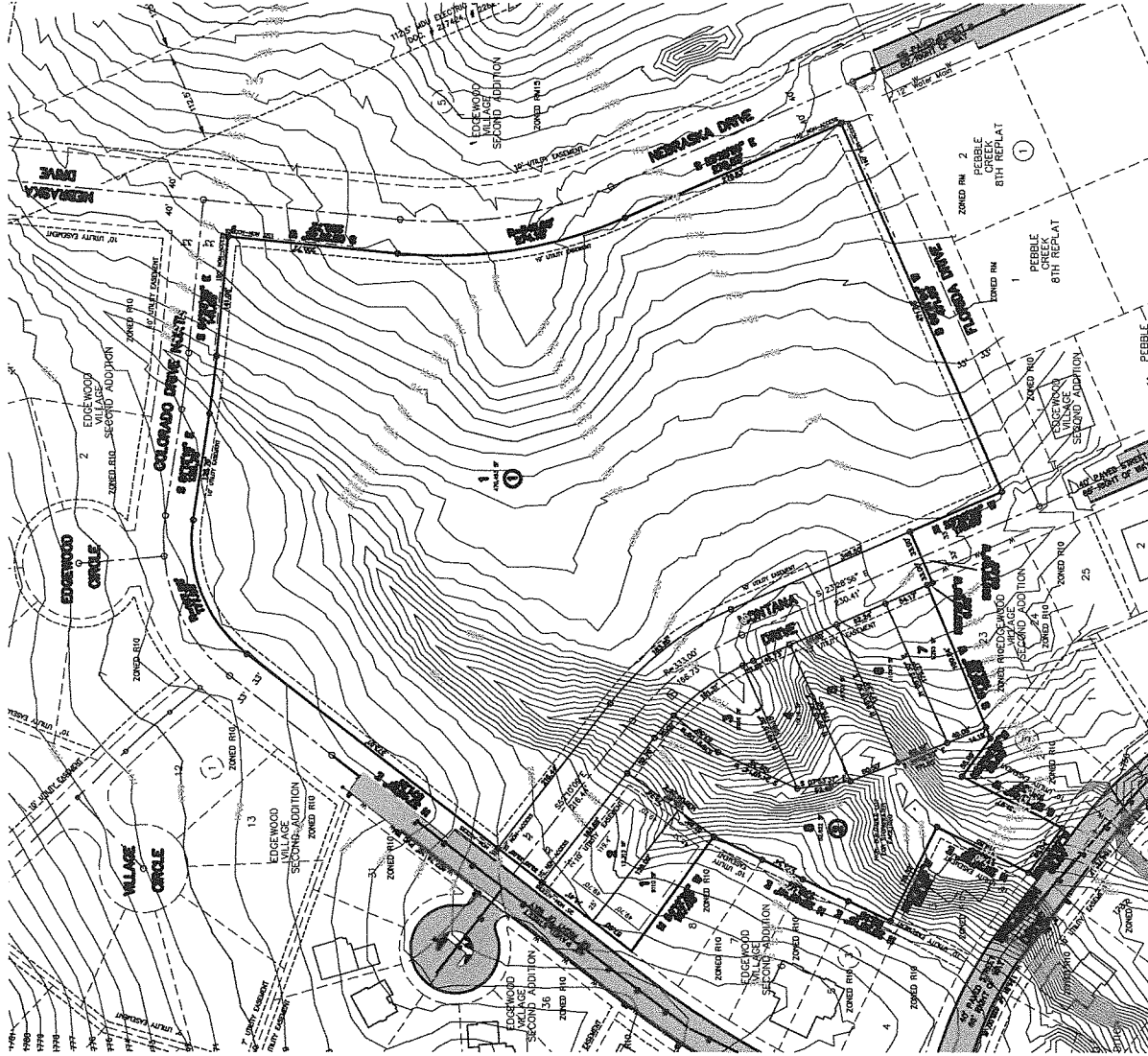
JAN 14 2011

# PRELIMINARY EDGEWOOD VILLAGE FOURTH ADDITION

REPLAT OF LOTS 9 - 22 & LOT 26 BLOCK 3 AND LOTS 1 - 17 BLOCK 4 EDGEWOOD SECOND ADDITION AND THE ADJOINING MONTANA DRIVE

PART OF THE SW 1/4 SECTION 22, T. 139 N., R. 60 W.

BISMARCK, NORTH DAKOTA



LOCATION MAP

OWNER: EDGEWOOD VILLAGE SECOND ADDITION LLC  
3124 COLORADO LANE #102  
BISMARCK, NORTH DAKOTA  
58003  
TELE: (701) 751-1445

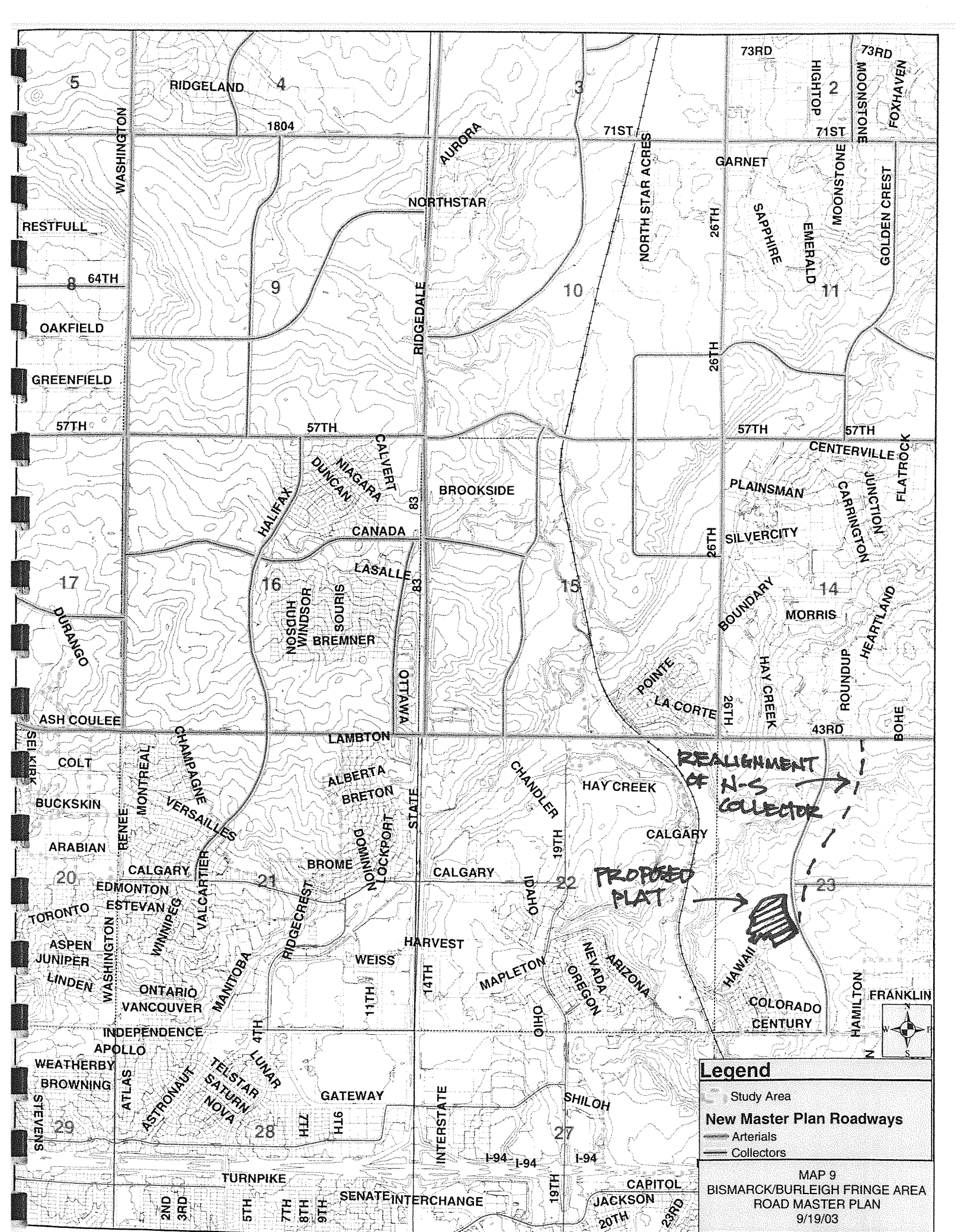
CURRENT ZONING: R10/RM/P  
PROPOSED ZONING: R10/RM/P  
RM LOT 1 BLOCK 1  
P LOT 1-7 BLOCK 2  
P LOT 8 BLOCK 2  
ACREAGE: 14.2 ACRES  
9 LOTS



SCALE: 1" = 100' AS SHOWN  
DATE: 10/14/2010  
DRAWN BY: [Signature]  
CHECKED BY: [Signature]  
APPROVED BY: [Signature]



PRELIMINARY-NOT FOR CONSTRUCTION,  
RECORDING PURPOSES OR IMPLEMENTATION

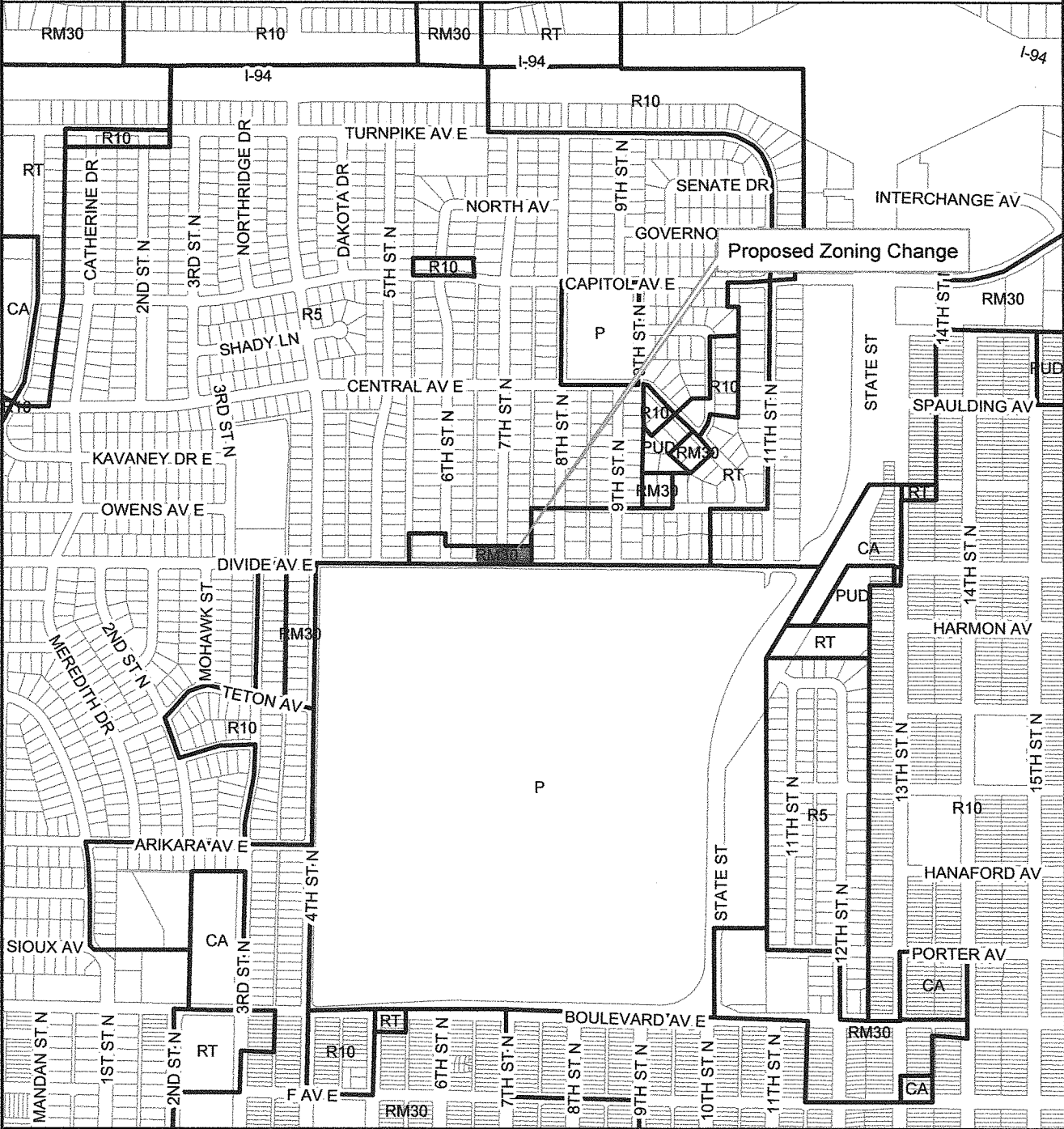


## BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

<b>BACKGROUND:</b>		
<b>Title:</b> Lot 13, Block 1 and Lot 13, Block 2, Jennings First Addition – Zoning Change (RM30 to R10)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> March 23, 2011	
<b>Owner(s):</b> Lindquist/Schmaltz–L13, B1 less S40’ of E15’ MDU – S40’ of E15’ of L13, B1 Malkmus – L13, B2	<b>Engineer:</b> N/A	
<b>Reason for Request:</b> City-initiated zoning change to bring the zoning of the property in line with the actual use of the property as single-family residential.		
<b>Location:</b> Along both sides of North 7 <sup>th</sup> Street at the intersection with Divide Avenue.		
<b>Project Size:</b> 16,974 square feet	<b>Number of Lots:</b> 2 lots in 2 blocks (3 parcels)	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Single-family residential	<b>Land Use:</b> Single-family residential	
<b>Zoning:</b> RM30 - Residential	<b>Zoning:</b> R10 – Residential	
<b>Uses Allowed:</b> Multi-family residential	<b>Uses Allowed:</b> Single and two-family residential	
<b>Maximum Density Allowed:</b> 30 units/acre	<b>Maximum Density Allowed:</b> 10 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> Pre-1980	<b>Platted:</b> 1952	<b>Annexed:</b> Pre-1980
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. This area developed in the 1950s and is outside of the area covered by the Land Use Plan.</li> <li>2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include multi-family to the east, single-family residential to the north, two-family residential to the west and the State Capitol grounds to the south.</li> <li>3. The property is already developed; therefore, the proposed zoning change will not place an undue burden on public services.</li> <li>4. The proposed zoning change would not adversely affect property in the vicinity.</li> <li>5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.</li> <li>6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.</li> </ol>		
<b>RECOMMENDATION:</b>		
Based on the above findings, staff recommends approval of the City-initiated zoning change for Lot 13, Block 1 and Lot 13, Block 2, Jennings First Addition from RM30 – Residential to R10 – Residential.		



# **Proposed Zoning Change (RM30 to R10)** **Lot 13, Block 1 & Lot 13, Block 2, Jennings's First Addition**



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
 Map was Updated/Created: January 28, 2011 (kdg)

Source: City of Bismarck



0 650 1,300  
 Feet

**Lot 13, Block 1 & Lot 13, Block 2, Jennings's First Addition - Zoning Change RM30 to R10**





## BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

<b>BACKGROUND:</b>		
<b>Title:</b> Southport Phase II – Major PUD Amendment		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> March 23, 2011	
<b>Owner(s):</b> Southport Marina LLP	<b>Engineer:</b> Swenson Hagen & Co.	
<b>Reason for Request:</b> Modify PUD to change the use of the convenience store/bar/restaurant building on Lot 6 to allow the two-story portion of the building to be used as office space rather than a bar/restaurant. The applicants are also proposing to eliminate the convenience store, expand the bar/restaurant operation into the portion of the building now occupied by the convenience store, add 960 square feet of deck space to the deck adjacent to the one-story portion of the building and construct a 100 square foot kiosk near the end of the southernmost deck for sale of gas and minor convenience items in the marina.		
<b>Location:</b> Along the west side of Riverwood Drive south of Bismarck Expressway.		
<b>Project Size:</b> 43.1 acres (entire PUD) 1.71 acres (portion being amended)	<b>Number of Lots:</b> 8 lots (entire PUD) Part of 1 lot (portion being amended)	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Mixed use	<b>Land Use:</b> Mixed use	
<b>Zoning:</b> PUD – Planned Unit Development	<b>Zoning:</b> PUD – Planned Unit Development	
<b>Uses Allowed:</b> As allowed by the original PUD & amendments	<b>Uses Allowed:</b> As allowed by the original PUD & amendments	
<b>Maximum Density Allowed:</b> Density specified in PUD	<b>Maximum Density Allowed:</b> Density specified in PUD	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 10/92 (PUD) 02/04 (Last Amendment)	<b>Platted:</b> 04/93 (Southport)	<b>Annexed:</b> 05/93
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. Southport Phase II was part of the original Southport PUD approved in 1992. In 1996, this area was replatted as Southport Phase II and the original PUD was amended to allow for 86 residential units, a marina, a restaurant, a convenience store, an office, a recreation area, and 15 acres of common area. Development of the PUD and the various land uses were tied to an approved site plan.</li> <li>2. In 1997, the Southport Phase II PUD was amended to allow “a mixed use development, including a maximum of 96 residential units, constructed in 2 and 4 unit buildings; commercial buildings, including offices, a restaurant, and a convenience store/fuel dispensing station; and a marina and its accessory uses. All buildings within the PUD shall not exceed 2 stories in height.” The proposed changes were tied to a modified site plan, which included a 25’ x 80’ (2000sf) convenience store/fuel dispensing station on Lot 6 in the northwest quadrant of the intersection of Riverwood Drive and Southport Loop. The southern portion of Lot 1 (west of channel) continued to be designated as a commercial area with offices, a marina and a restaurant.</li> </ol>		

(continued)

3. There were two amendments to the PUD in 1998. The first amendment allowed the addition of a new building plan for the residential portion of the development. The second amendment allowed on-sale beer sales within the convenience store and the construction of a 42' x 48' deck on the northern end of the building.
4. In 2000, the PUD was amended to allow the southern portion of Lot 1 (west of channel) to be developed as residential rather than the commercial uses originally approved (office, restaurant, marina). The amendment also allowed the designated restaurant area to be moved to the north end of Lot 2 (west of the channel), increased the total number of residential units allowed to 123, continued to include parking for marina use on Lot 1, and eliminated proposed office uses on Lot 1.
5. A proposed amendment in 2002 to expand the convenience store was withdrawn by the applicant.
6. In 2002, the PUD was amended to allow the replacement of the restaurant use on Lot 2 with six dwelling units (three twinhomes) and consolidate the commercial aspects of the original PUD in one location on Lot 6 (referred to as the convenience store/bar/restaurant building).
7. The PUD amendment as proposed would convert the two-story portion of the existing convenience store/bar/restaurant to an office use, eliminate the convenience store and expand the bar/restaurant operation into the portion of the building now occupied by the convenience store, add 960 square feet of deck space to the deck adjacent to the one-story portion of the building for and construct a 100 square foot kiosk near the end of the southernmost deck for sale of gas and minor convenience items in the marina.

#### **FINDINGS:**

1. All technical requirements for approval of a major PUD amendment have been met.
2. The PUD as amended would not be any less compatible with the adjacent land uses than uses allowed in the approved PUD. Adjacent land uses include a variety of residential uses to the north, west and south and a public golf course, archery facility and open space to the east.
3. The property is already being developed; therefore, the PUD as amended would not place an undue burden on public services.
4. The PUD as amended is consistent with adopted plans, policies and accepted planning practice. It is also consistent with the original PUD, which includes all of the commercial uses on Lot 6 with direct access on a public right of way.

#### **RECOMMENDATION:**

Based on the above findings, staff recommends approval of the major PUD amendment for Southport Phase II, as outlined in the attached PUD amendment document.

**SOUTHPORT PHASE II PLANNED UNIT DEVELOPMENT  
ORDINANCE NO. 5312 (Adopted March 23, 2004)  
MAJOR PUD AMENDEMNT (Adopted \_\_\_\_\_)**

WHEREAS, Ordinance No. 5312 was adopted by the Board of City Commissioners on March 23, 2004; and

WHEREAS, the ordinance indicate that any change in the uses outlined in the ordinance requires an amendment to the PUD; and

WHEREAS, Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments) outlines the requirements for amending a PUD; and

WHEREAS, Southport Marina LLC has requested an amendment to the Planned Unit Development for Southport Phase II.

NOW, THEREFORE, BE IT RESOLVED by the Bismarck Planning and Zoning Commission of the City of Bismarck, North Dakota, a municipal corporation, that the request to amend the Planned Unit Development for the following described property:

Lots 1-8, Southport Phase II and Lots B-1 and C of Lot 53, and Tracts 1406, 1408, and Lot B of Lot 54, Block 1, Southport

is hereby approved and this PUD is now subject to the following development standards:

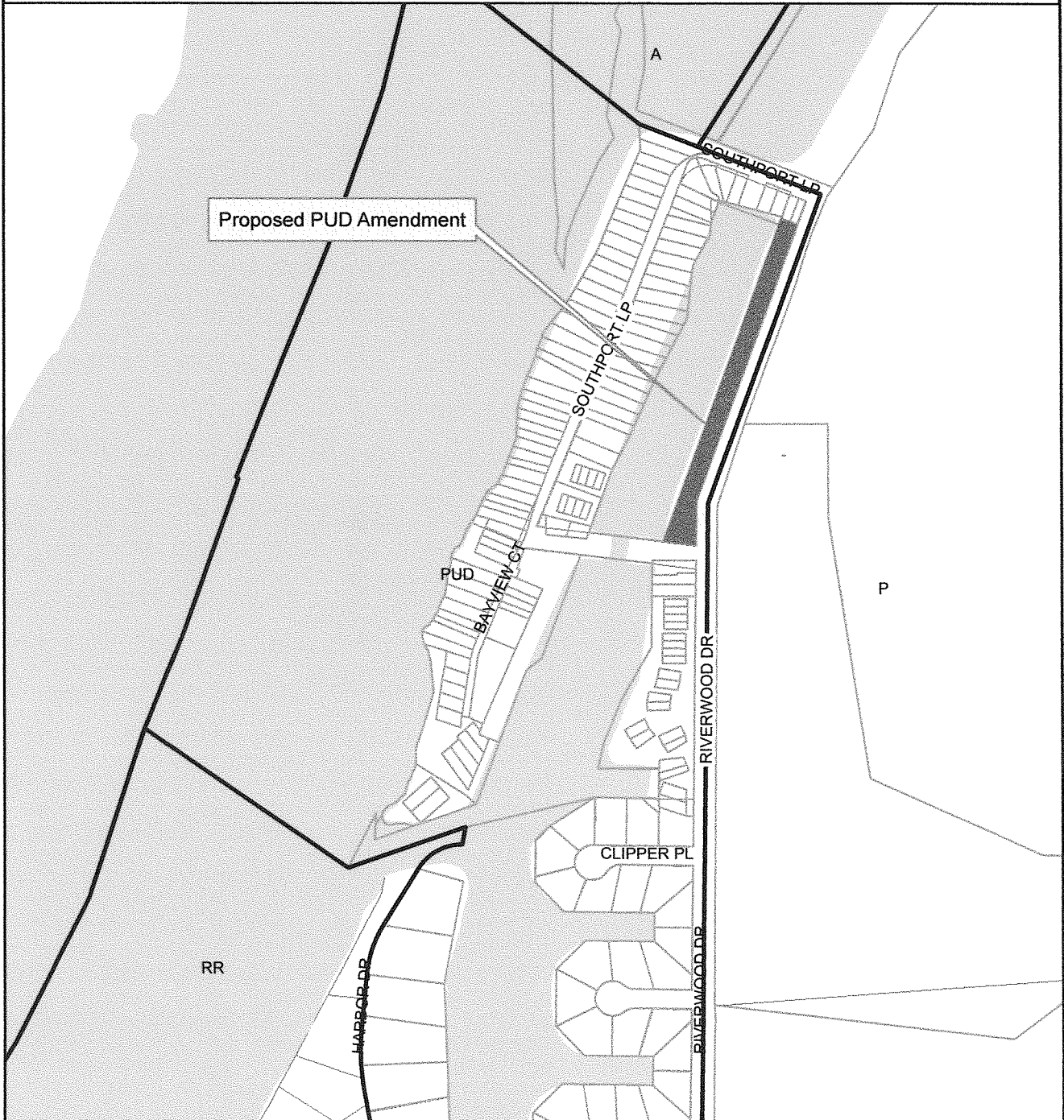
1. *Uses Permitted.* Uses permitted include a mixed use development, including a maximum of 132 residential units constructed in two, three, four and five unit buildings on Lots 1, 2, 4, 7, Southport Phase II and Lots B-1 and C of Lot 53, and Tracts 1406, 1408, and Lot B of Lot 54, Block 1, Southport; marina parking facilities, a marina restroom facility and boat ramp on Tracts A, B and C of Lot 1, Southport Phase II; a ~~convenience store~~/bar/restaurant/office building, a marina restroom facility, and parking facilities on Lot 6, Southport Phase II; a maintenance/office building on Lot 4, Southport Phase II; a private roadway over Lot 3, Southport Phase II (Southport Loop); and channel/marina facilities, including the sale of gas and minor convenience items from a kiosk, on Lots 5 and 8, Southport Phase II. The configuration of residential units and other uses shall generally conform to the overall development plan for Southport Phase II dated March 3, 2004. Any change in the use of any building from that indicated above will require an amendment to this PUD.
2. *Residential Development Standards.* The maximum allowable density shall be 132 units, the minimum building setback requirements at the perimeter of the PUD shall be a front yard setback of 25 feet along Riverwood Drive, a minimum rear yard setback of 20 feet, and a minimum side yard setback of 6 feet. Setbacks between buildings within the PUD shall be the minimum allowed under the City's building code. Residential building types shall be

substantially similar to those approved in the original PUD and subsequent amendments and shall be no more than two stories in height. Any change to the density or building setbacks that are inconsistent with these standards will require an amendment to this PUD.

3. *Commercial Development Standards.* The ~~convenience—store/~~ bar/restaurant/office building on Lot 6 shall be no larger than ~~4600~~ 4850 square feet in size on two floors (~~3250~~ 3490 square feet on the first floor and ~~1350~~ 1360 square feet on the second floor), with a first floor deck no larger than ~~960–1920~~ square feet on the west side of the building (480 square feet associated with office use and 1440 square feet associated with bar/restaurant use), and a second floor deck no larger than 480 square feet on the west side of the building (associated with office use), as submitted with the request for this PUD amendment (exterior elevations and building footprint) and subsequent amendments. The two story portion of the building will be used for offices and the one story portion of the one story building will be used as a bar/restaurant. The minimum front yard setback for the building shall be 25 feet along Riverwood Drive. Operation of the ~~convenience—store/~~ bar/restaurant will be subject to any standards agreed to by the City and the Developer in conjunction with liquor licensing for the establishment. The kiosk to be located at the end of the southernmost dock on Lot 5 shall be no larger than 100 square feet, no more than one story in height, and architecturally similar to other buildings in the development. Any change to the exterior dimensions, uses or setbacks of the building that are inconsistent with these standards will require an amendment to this PUD.
4. *Maintenance Building/Office.* The maintenance/office building located on Lot 4 shall be no larger than 1200 square feet, no more than one story in height, and shall be architecturally similar to other buildings in the development. This building may be used for storage of maintenance equipment for the development and office space for Southport Development. Any change to the location, size or use of this building that is inconsistent with these standards will require an amendment to this PUD.
5. *Marina Restroom Facilities.* The marina restroom facility located on Tract A of Lot 1, and any future marina restroom facility to be located on Lot 6, shall be no larger than 256 square feet, no more than one story in height, and shall be architecturally similar to other buildings in the development. The marina restroom facility on Lot 6 may be attached to the north side of the ~~convenience—store/~~bar/restaurant, rather than a free-standing building, provided the addition is no more than 256 square feet, no more than one story in height, and architecturally similar to the rest of the building. Any change to the location, size or use of these buildings that is inconsistent with these standards will require an amendment to this PUD.

6. *Parking.* Off-street parking areas shall be provided on Lot 1 and on Lot 6 as shown on the overall development plan. Based on the square footage of the ~~convenience store/bar/restaurant/office building~~ and the number of rental docks, a minimum of 225 off-street parking spaces must be provided on Lot 6 and a minimum of 80 off-street parking spaces must be provided on Lot 1, as shown on the overall development plan. That portion of the parking lot on Lot 6 required to provide the number of parking spaces required for the ~~convenience store/bar/restaurant/office building (113 parking spaces)~~ shall be paved ~~in conjunction with the expansion of the convenience store/bar/restaurant~~. Any changes to the location of parking areas will require an amendment to this PUD.
7. *Signage.* Signage shall be limited to the existing signage for the ~~convenience store/bar/restaurant/office building~~ and one development identification sign, which will be placed on Lot 6. The existing signage for the ~~convenience store/bar/restaurant/office building~~ may be upgraded and refurbished as needed, although the size of the faces cannot be increased. The development identification sign to be installed on Lot 6 shall be a monument style sign no more than 60 square feet in area, and shall meet all other requirements as outlined in Section 14-03-05(9) of the City Code (Residential Area Identification Signs). Any change to the location or size of the allowed signs will require an amendment to this PUD.
8. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

# Proposed PUD Amendment Southport Phase II - Lot 6



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: February 16, 2011 (kdg)

Source: City of Bismarck



0 390 780 Feet

Part Of Section 7 & 8 T. 138 N., R. 80 W.  
Bismarck, North Dakota

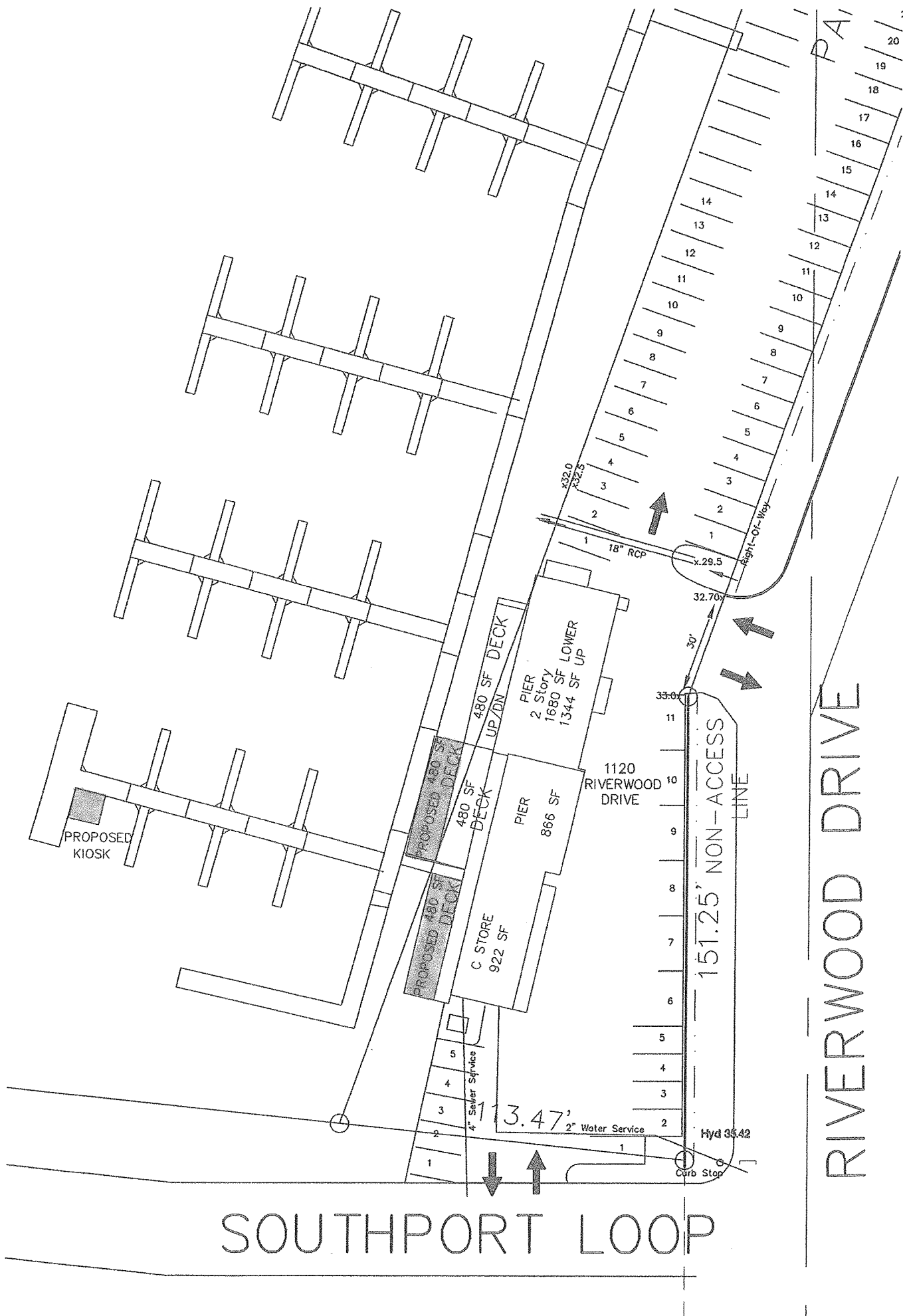
TRACT L OF LOTS A, B, C, B-1, D-1 AND D-2 OF LOT 1 BLOCK 1 SOUTHPORT  
PHASE II BISMARCK, NORTH DAKOTA CONTAINING 67,852 SQUARE FEET, MORE OR  
LESS.

TRACT 5A OF LOT 5 BLOCK 1 SOUTHPORT PHASE II BISMARCK, NORTH DAKOTA  
LESS TRACT 5B CONTAINING 266,815 SQUARE FEET, MORE OR LESS.

LOT 8 BLOCK 1 SOUTHPORT PHASE II BISMARCK, NORTH DAKOTA CONTAINING 360,500 SQUARE FEET, MORE OR LESS.

THE ABOVE DESCRIBED TRACTS CONTAIN 781,635 SQUARE FEET, MORE OR LESS.









The Pier at SouthPort Phase II is selling the 2 story section of the building at 1120 Riverwood Drive to a local corporation for use as their office space. The 2 story section of the building is an addition to the original bar and convenience store building and will be partitioned from the original building to establish the separate office use.

The Pier as a bar and grill will now operate from the space that was used for the convenience store and the original bar building with the accompanying deck. The Pier will loose 2 decks of 480 square feet each which are attached to the 2 story office space. In order to replace the lost space the Pier would like to add 2 new decks of the same size (480 sf each).

Automobile gas will no longer be available on the street side of the convenience store. Gas will continue to be available on the boat dock. Employees are required to staff gas pumps on the water. In order to staff the gas pumps we propose to install a kiosk for staff use and retail of minor convenience items which will no longer be available from the convenience store.

## SoutPort Phase II Bismarck ND

### Planned Unit Development Existing/Proposed Revisions

#### Existing

C Store	922 Square Feet
Original Pier	866
Existing Deck	480
1 <sup>st</sup> Floor	1680
1 <sup>st</sup> Floor Deck	480
2 <sup>nd</sup> Floor	1344
2 <sup>nd</sup> Floor Deck	480
Total	6252 Square Feet

#### Proposed

Pier (C Store Space)	922 Square Feet
Pier (Original Space)	866
Existing Deck	480

Total Existing Space 2268 Square Feet

#### Additional Proposed Decks

2 each 480 sf 960 Square Feet

Dock Kiosk 100

Total Pier Space 3328 Square Feet

#### Office

1 <sup>st</sup> Floor	1680 Square Feet
1 <sup>st</sup> Floor Deck	480
2 <sup>nd</sup> Floor	1344
2 <sup>nd</sup> Floor Deck	480

Total Office 3984 Square Feet

# CITY OF BISMARCK

## Ordinance No. XXXX

**First Reading** \_\_\_\_\_

**Second Reading** \_\_\_\_\_

**Final Passage and Adoption** \_\_\_\_\_

**Publication Date** \_\_\_\_\_

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-08 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SPECIAL USES (ROADWAY MAINTENANCE FACILITIES).

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Uses is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses. In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and Building Official (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and Building Official (where allowed) are hereby given limited discretionary powers relating to the granting of such permit or certificate.

\* \* \* \* \*

4. Permanent uses (planning commission approval). The city planning and zoning commission is authorized to grant special use permits for the following uses:

\* \* \* \* \*

w. Roadway Maintenance Facilities. Roadway maintenance facilities necessary for the provision of services by a governmental entity may be permitted in

any A - Agricultural district as a special use provided:

1. The parcel meets the dimensional requirements for the A - Agricultural zoning district.

2. The parcel is located along an improved section line roadway or other roadway classified as an arterial.

3. The parcel is located at least 1/2 mile (2640 feet) from any residentially zoned property.

4. All proposed buildings will meet the setback requirements for the A - Agricultural zoning district.

5. All exterior equipment and material storage areas will be set back no less than one hundred fifty (150) feet from a front property line and no less than seventy-five (75) feet from a side or rear property line.

6. A landscaped buffer yard is provided around the perimeter of the site to screen the operation from adjacent land uses. Said buffer yard shall be no less than fifty (50) feet in width and shall be densely planted in conjunction with site development in accordance with the requirements of Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

7. A site plan is submitted showing the overall dimensions of the site, the location of specific activities, fences, landscaped buffer yards, parking areas, adjacent roadways and proposed access (ingress/egress).

8. A written narrative is submitted describing the operation of the facility, including fugitive dust management, run-off control and spill containment.

\* \* \* \* \*

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage and adoption.



# CITY OF BISMARCK

## Ordinance No. XXXX

**First Reading** \_\_\_\_\_

**Second Reading** \_\_\_\_\_

**Final Passage and Adoption** \_\_\_\_\_

**Publication Date** \_\_\_\_\_

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-09-03 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO DEFINITIONS AND THE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-09-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions and the Regulations Governing the Subdivision of Land is hereby amended and re-enacted to read as follows:

14-09-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

\* \* \* \* \*

Lot Split: The division of a previously platted lot into not more than three (3) lots, that meets the following criteria:

- a. The lot split does not involve the creation of new utility easements;
- b. The lot split does not require the dedication of public rights-of-way for the purpose of gaining access to the property;
- c. All parcels conform to the minimum lot area, width and depth for the zoning district in which the property is located;

d. The resulting parcels can be legally described with no more than two (2) directional descriptors (e.g. the north 100 feet of the west 200 feet of Lot 1, Block 1, ABC Addition). For an irregularly-shaped ~~residential lot being split for a two or three unit side-by-side residential dwelling (row house) lot~~, the Director of Community Development may waive this requirement, provided the resulting parcels can be legally described as the original lot number combined with a letter (e.g. Lot 1 would become Lots 1A, 1B and 1C), and provided that any line the line(s) dividing the parcel along a common wall is a straight line from the front property line to the back property line along the common wall;

e. The property has not previously been divided through the lot split provisions of this ordinance.

\* \* \* \* \*

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage and adoption.

**CITY PLANNING & ZONING COMMISSION  
MEETING MINUTES  
February 23, 2011**

The Bismarck Planning & Zoning Commission met on February 23, 2011, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5<sup>th</sup> Street. Chairman Yeager presided.

Commissioners present were Tom Atkinson, Mel Bullinger, Jack Hegedus, Curt Juhala, Vernon Laning, John Warford and Wayne Yeager.

Commissioners Mark Armstrong, Jo Conmy, Ken Selzer and Lisa Waldoch were absent.

Staff members present were Carl Hokenstad – Community Development Director, Kim Lee – Planning Manager, Gregg Greenquist – Planner, Jason Tomanek – Planner, Kimberley Gaffrey – Office Assistant III, Steve Saunders – MPO Planner, Ben Ehreth – MPO Planner, Ray Ziegler – Building Official, Charlie Whitman – City Attorney and Jackson Bird – City Forester.

Others present were Steve Windish and Steve Grabill – Ulteig Engineers, Marcus Hall – Burleigh County Engineer, Evelyn & Mark Orth – 2725 Promontory Drive, James Devine – 521 East Main Avenue Suite 125, Kate Herzog and Dawn Kopp – 204 North 4<sup>th</sup> Street, Marcia Kilzer – 1982 Mesquite Loop, Harold Duchscherer – 2501 Powder Ridge Circle, Al Frank – 1801 Santa Gertrudis Drive, Stacy Tschider – 8606 Island Road, Jeff Jonson – 1825 Harbor Drive, Matt Thompson – 928 Arthur Drive, Jeff Hinz – 3301 Hackberry Street, Dave Patience – 909 Basin Avenue, Gary Allard – 2109 Valley Drive, Joan & Jerry Coleman – 1729 Pinto Place, Connie & Curtis Martin – 640 64<sup>th</sup> Avenue NW, Rodney & Mary Ann Ekren – 255 64<sup>th</sup> Avenue NW, Dave Tschider – 418 East Rosser Avenue, Dale Zimmerman – 1857 Santa Gertrudis Drive, Loran Galpin – 501 East Main Street, Kathleen Jones – 4380 Wildwood Street, Dale Sandstrom – 1748 Pinto Place, Rick Spratt – 1966 Mesquite Loop and Ellen & Allen Lukes – 1749 Pinto Place.

**MINUTES**

Chairman Yeager called for consideration of the minutes of the January 26, 2011 meeting.

**MOTION:** Commissioner Warford made a motion to approve the minutes of the January 26, 2011 meeting as received. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Hegedus, Juhala, Laning, Warford and Yeager voting in favor of the motion.

**CONTINUED PUBLIC HEARING – MPO NORTHWEST BISMARCK SUB-AREA STUDY**

Chairman Yeager re-opened the public hearing for the Northwest Bismarck Sub-area Study.

Al Lukes suggested that Century Avenue be extended through the northwest edge of the Lowes parking lot to connect with Burnt Boat Drive. He said that it would not affect any of the already

established business and makes the most sense. Mr. Lukes went on to say his suggestion would solve the problems with safety, existing property destruction and traffic flow.

Rick Spratt indicated that he is checking with the proper entities to whether or not the Tyler Coulee area is considered wetlands and if it is, that it would not be an appropriate place for a road.

Gary Allard said that the Tyler Coulee extension would affect his property to a great extent and is opposed to it.

Dale Sandstrom expressed his concern with the current study and putting in a high traffic thoroughfare by extending Century Avenue. He continued by saying there are also water issues in this area. Mr. Sandstrom stated the extension of Burnt Boat Drive is the best option and likes Mr. Luke's suggestion. He concluded by saying that the Ash Coulee Drive extension to River Road should be completed as planned.

Kathleen Jones suggested that 57<sup>th</sup> Avenue be developed right away because that is a natural east-west corridor. She also suggested that a north-south corridor be built on River Road.

Al Frank said that he is concerned about the proposed extension of Tyler Parkway up to Highway 1804 because that would be too much traffic for that area. He also expressed concern with the intersection at Burnt Boat Road and Tyler Parkway.

Chairman Yeager closed the public hearing.

**MOTION:** Commissioner Warford made a motion to forward the Northwest Bismarck Sub-area Study to the Board of City Commissioners, with the following conditions: 1) Remove all references to the Century Avenue extension as a "preferred" alternative out of the study, including the Steering Committee's recommendation; 2) the Century Avenue extension be further studied, including Mr. Lukes' suggested connection through the Lowes parking lot; 3) the Bismarck Planning & Zoning Commission is strongly opposed to the Tyler Coulee extension; 4) the 64<sup>th</sup>, 57<sup>th</sup> and Ash Coulee extensions be further studied; and 5) the Century/Tyler intersection be further studied and investigate improvement. Commissioner Hegedus seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Hegedus, Juhala, Laning, Yeager and Warford voting in favor of the motion.

**CONSIDERATIONS –**

**ZONING CHANGE FROM A AND R5 TO R5 AND PRELIMINARY PLAT – EAGLE CREST FOURTH ADDITION**

**ZONING CHANGE FROM RM30 TO R10 – LOT 13, BLOCK 1 AND LOT 12, BLOCK 2, JENNINGS FIRST ADDITION**

**PUD AMENDMENT – SOUTHPORT PHASE II**

**ZONING ORDINANCE TEXT AMENDMENT – SPECIAL USE PERMITS (ROADWAY MAINTENANCE FACILITIES)**

**ZONING ORDINANCE TEXT AMENDMENT – SUBDIVISION REGULATIONS (LOT MODIFICATIONS)**

Chairman Yeager called for consideration of the following consent agenda items:

- A. A zoning change from the A-Agricultural and R5-Residential zoning districts to the R5-Residential zoning district and preliminary plat for Eagle Crest Fourth Addition. The property is 56 lots in 4 blocks on 25.75 acres, located in northeast Bismarck, north of Century Avenue, between Colorado Drive and Nebraska Drive (a replat of Lots 9-26, Block 3, and Lots 1-17, Block 4, Edgewood Village Second Addition and the adjoining Montana Drive, in part of the SW1/4 of Section 23, T139N-R80W/Hay Creek Township).
- B. A city initiated zoning change from the RM30-Residential zoning district to the R10-Residential zoning district Lot 13, Block 1 and Lot 13, Block 2, Jennings First Addition. The property is 2 lots in 2 blocks on 16,974 square feet, located along both sides of North 7<sup>th</sup> Street at the intersection with Divide Avenue.
- C. A Major PUD-Planned Unit Development Amendment for Southport Phase II. The PUD amendment would allow the two story portion of the convenience store/bar/restaurant building on Lot 6 to be used as office space rather than a bar/restaurant. The property is located along the west side of Riverwood Drive south of Bismarck Expressway.
- D. A zoning ordinance text amendment relating to special uses (roadway maintenance facilities). The proposed amendment would create provisions to allow roadway maintenance facilities necessary for the provision of services by a governmental entity as a special use in the A-Agricultural zoning district.
- E. A zoning ordinance text amendment zoning ordinance text amendment relating to the subdivision regulations (lot splits). The proposed amendments would clarify the provisions for administratively splitting platted lots.

**MOTION:** Based on the findings in the staff reports, Commissioner Laning made a motion to approve Consent Agenda items A, B, C, D and E, calling for a public hearing on all items. Commissioner Hegedus seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Hegedus, Juhala, Laning, Yeager and Warford voting in favor of the motion.

#### **FINAL CONSIDERATION – ANNEXATION – PART OF BOULDER RIDGE SECOND ADDITION**

Chairman Yeager called for the final consideration for the annexation of Lots 11-23, Block 2; Lot 6, Block 3; Lots 1-14, Block 4; Lots 1-5, Block 5; Lots 1-5, Block 6; Lots 1-7, Block 7 and Lot 1, Block 8, Boulder Ridge Second Addition. The property is located in North Bismarck, east of North Washington Street and North of 43<sup>rd</sup> Avenue (part of the SW¼ of Section 16, T139N-R80W/Hay Creek Township).

Mr. Greenquist provided an overview of the request and listed the following findings for the annexation:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time the property is developed.
2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent and purpose of Title 14 of the City Code of Ordinances.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

Mr. Greenquist said based on the above findings, staff recommends approval of the annexation of Lots 11-23, Block 2; Lot 6, Block 3; Lots 1-14, Block 4; Lots 1-5, Block 5; Lots 1-5, Block 6; Lots 1-7, Block 7 and Lot 1, Block 8, Boulder Ridge Second Addition.

**MOTION:** Commissioner Hegedus made a motion to approve the annexation of Lots 11-23, Block 2; Lot 6, Block 3; Lots 1-14, Block 4; Lots 1-5, Block 5; Lots 1-5, Block 6; Lots 1-7, Block 7 and Lot 1, Block 8, Boulder Ridge Second Addition. Commissioner Warford seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Hegedus, Juhala, Laning, Yeager and Warford voting in favor of the motion.

#### **PUBLIC HEARING – ZONING CHANGE FROM A-AGRICULTURAL AND PUD-PLANNED UNIT DEVELOPMENT TO RT-RESIDENTIAL AND CG-COMMERCIAL AND SPECIAL USE PERMIT – KOCH CREEK SUBDIVISION**

Chairman Yeager called for the public hearing for the zoning change from the A-Agricultural and PUD-Planned Unit Development zoning districts to the RT-Residential and CG-Commercial zoning districts for Lot 1, Block 1 and the special use permit for part of Lot 1, Block 1, Koch Creek Subdivision. The property is 1 lot in 1 block on 17.3 acres and is located along the north side of ND Highway 1804 approximately ¼ mile west of US Highway 83.

Ms. Lee provided an overview of the request and listed the following findings for the zoning change:

1. The proposed zoning change would be consistent with the Land Use Plan, which identifies the future use of this area as mixed use (US Highway 83 Corridor Transportation Study). The Mixed Use 1 category includes a mix of horizontally-integrated residential with commercial and/or office uses. The Mixed Use 2 category includes a mix of horizontally-integrated commercial and office uses.
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include agricultural land to the south, a combination of agricultural and rural residential to the west and north, and a combination of agricultural and office/light industrial uses to the east.



3. The proposed zoning change may put an undue burden on public services. In particular, the higher intensity land uses allowed by the proposed zoning may create conflicts at the access point(s) on ND Highway 1804 and adversely impact traffic operations on that roadway. There are also concerns with access to this parcel and how it will relate to the overall roadway network needed to provide access to adjacent parcels. In addition, a storm water management plan was not required when this property was platted because the zoning remained A-Agricultural; such a plan would be required prior to further development of the property.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee then listed the following findings for the special use permit:

1. The proposed use is in harmony with the purpose and intent of the zoning ordinance and the master plan of the City of Bismarck.
2. The proposed special use will not adversely affect the public health, safety and general welfare.
3. The proposed use will not be detrimental to the use or development of adjacent properties.
4. The proposed use will comply with all special regulations established by Section 14-03-08 of the City Code of Ordinances, and all special conditions necessary for the safety and welfare of the public.

Ms. Lee then listed the following additional information:

1. A special use permit to allow the operation of an animal shelter on the property was granted by Burleigh County in September 1999. The plat of Koch Creek Subdivision was approved by Burleigh County around the same time. The zoning of the property remained as A – Agricultural because the only proposed use was the animal shelter, which was allowed as a special use in the A – Agricultural district.
2. The zoning of the South 704.95 feet of the West 412.18 feet of the lot was changed from A – Agricultural to PUD – Planned Unit Development in March 2008 to allow a commercial kennel.
3. The applicants are now proposing to reuse the existing building for a church, which is only allowed with a special use permit. Section 14-03-08 (4)(f) of the City Code of Ordinances outlines the requirements for a church.

Ms. Lee said based on the above findings, staff recommends approval of the zoning change for Lot 1, Block 1, Koch Creek Subdivision from A–Agricultural and PUD–Planned Unit Development to RT–Residential on the West 412.18 feet of the parcel and CG–Commercial on the remainder of the parcel, with the following conditions:

1. A roadway easement or roadway dedication must be provided over the west 40 feet of Lot 1 to provide public right-of-way for a north-south roadway in this location from ND Highway 1804 north to an extension of Crestland Place, which will allow for future development of the adjacent property.
2. A roadway easement or roadway dedication must be provided over the north 40 feet of Lot 1 to provide public right-of-way for an east-west extension of Crestland Place to Yukon Drive in this location, which will allow for future development of the adjacent property.
3. A roadway easement or roadway dedication must be provided over the east 40 feet of Lot 1 to provide public right-of-way for an extension of Yukon Drive from State Street Office Park to ND Highway 1804 in this location. If the entire 40 feet is not needed because of the alignment of Yukon Drive, this easement or dedication could be reduced to accommodate the alignment of the roadway.
4. As a storm water management plan has not been prepared for this property, a storm water management plan will be required prior to any additional development, any increase in impervious surface or any land disturbing activities on any portion of Lot 1.
5. As this property is located outside of the corporate limits and is served by rural water, land uses may be limited because of required fire flows for sprinklers.

Ms. Lee said based on the above findings, staff also recommends approval of the special use permit for a church to be located on the South 704.95 feet of the West 412.18 feet of Lot 1, Block 1, Koch Creek Subdivision, with the following conditions:

1. A certificate of occupancy for the change in occupancy must be obtained from the Building Inspections Division prior to the building being used as a church.
2. Because of the change in use and off-street parking requirements, a site plan will need to be submitted to and approved by the City prior to the building being used as a church. It is expected that a storm water management plan will be needed for required hard-surfacing of the off-street parking area.
3. The existing parking lot and access drives from ND Highway 1804 must be brought into compliance with Section 14-03-10 (Off-Street Parking and Loading) and Section 14-03-11 (Landscaping and Screening) of the City Code of Ordinance in conjunction with the conversion of the property to a church.
4. The special use must be put into use within twenty-four (24) months from (the date of approval) or it shall lapse.

Commissioner Bullinger questioned the number of access points to this property and if the North Dakota Department of Transportation is aware of the access points. Ms. Lee responded by saying that the NDDOT is aware of the access points and it is staff's understanding that what is shown will be acceptable.

Chairman Yeager called for the public hearing for the zoning change from the A-Agricultural and PUD-Planned Unit Development zoning districts to the RT-Residential and CG-Commercial zoning districts for Lot 1, Block 1 and the special use permit for part of Lot 1, Block 1, Koch Creek Subdivision.

There was no public comment.

Chairman Yeager closed the public hearing.

**MOTION:** Based on the findings contained in the staff reports, Commissioner Laning made a motion to approve the zoning change for Lot 1, Block 1, Koch Creek Subdivision from A-Agricultural and PUD-Planned Unit Development to RT-Residential on the West 412.18 feet of the parcel and CG-Commercial on the remainder of the parcel, with the following conditions:

1. A roadway easement or roadway dedication must be provided over the west 40 feet of Lot 1 to provide public right-of-way for a north-south roadway in this location from ND Highway 1804 north to an extension of Crestland Place, which will allow for future development of the adjacent property.
2. A roadway easement or roadway dedication must be provided over the north 40 feet of Lot 1 to provide public right-of-way for an east-west extension of Crestland Place to Yukon Drive in this location, which will allow for future development of the adjacent property.
3. A roadway easement or roadway dedication must be provided over the east 40 feet of Lot 1 to provide public right-of-way for an extension of Yukon Drive from State Street Office Park to ND Highway 1804 in this location. If the entire 40 feet is not needed because of the alignment of Yukon Drive, this easement or dedication could be reduced to accommodate the alignment of the roadway.
4. As a storm water management plan has not been prepared for this property, a storm water management plan will be required prior to any additional development, any increase in impervious surface or any land disturbing activities on any portion of Lot 1.
5. As this property is located outside of the corporate limits and is served by rural water, land uses may be limited because of required fire flows for sprinklers.

Commissioner Hegedus seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Hegedus, Juhala, Laning, Yeager and Warford voting in favor of the motion.

**MOTION:** Based on the findings contained in the staff reports, Commissioner Warford made a motion to approve the special use permit for a church to be located on the South 704.95 feet of the West 412.18 feet of Lot 1, Block 1, Koch Creek Subdivision, with the following conditions:

1. A certificate of occupancy for the change in occupancy must be obtained from the Building Inspections Division prior to the building being used as a church.
2. Because of the change in use and off-street parking requirements, a site plan will need to be submitted to and approved by the City prior to the building being used as a church. It is expected that a storm water management plan will be needed for required hard-surfacing of the off-street parking area.
3. The existing parking lot and access drives from ND Highway 1804 must be brought into compliance with Section 14-03-10 (Off-Street Parking and Loading) and Section 14-03-11 (Landscaping and Screening) of the City Code of Ordinance in conjunction with the conversion of the property to a church.
4. The special use must be put into use within twenty-four (24) months from (the date of approval) or it shall lapse.

Commissioner Juhala seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Hegedus, Juhala, Laning, Yeager and Warford voting in favor of the motion.

## **CONTINUED PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – LANDSCAPING AND SCREENING**

Chairman Yeager called for the continued public hearing for the zoning ordinance text amendment relative to landscaping and screening.

Mr. Tomanek provided an overview of the changes that were made to the proposed zoning ordinance text amendment for landscaping and screening after the suggestions that were received from representatives from local engineering firms and Bismarck Planning & Zoning Commissioners at the January 26, 2011 Bismarck Planning & Zoning Commission meeting. The additional language pertains to the section relating to the reconstruction of existing off-street parking areas.

Mr. Tomanek said staff recommends approval of the zoning ordinance text amendment relative to landscape and screening as presented. He added that the 101-399 category on page 8 should be changed to 100-399.

Chairman Yeager re-opened the public hearing for the zoning ordinance text amendment relative to landscape and screening.

There was no public comment.

Chairman Yeager closed the public hearing.

**MOTION:** Commissioner Warford made a motion to approve the zoning ordinance text amendment relative to landscaping and screening, including changing the parking lot size on page 8 of the proposed ordinance from 101-399 spaces to 100-399 spaces. Commissioner Juhala seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Hegedus, Juhala, Laning, Yeager and Warford voting in favor of the motion.

#### **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – FP-FLOODPLAIN DISTRICT**

Chairman Yeager called for the public hearing for the zoning ordinance text amendment relative to the FP-Floodplain District.

Ms. Lee provided an overview of the zoning ordinance text amendment for the FP-Floodplain District. The proposed amendments would clarify the floodplain district requirements for existing structures and some improvements.

Ms. Lee said staff recommends approval of the zoning ordinance text amendment for the FP-Floodplain District as presented.

Chairman Yeager opened the public hearing for the zoning ordinance text amendment relative to the FP-Floodplain District.

There was no public comment.

Chairman Yeager closed the public hearing.

**MOTION:** Commissioner Hegedus made a motion to approve the zoning ordinance text amendment relative to the FP-Floodplain District. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Hegedus, Juhala, Laning, Yeager and Warford voting in favor of the motion.

#### **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – DC-DOWNTOWN CORE AND DF-DOWNTOWN FRINDGE DISTRICTS**

Chairman Yeager called for the public hearing for the zoning ordinance text amendment relative to the DC-Downtown Core and DF-Downtown Fringe Districts.

Mr. Tomanek provided an overview of the zoning ordinance text amendment for the DC-Downtown Core and DF-Downtown Fringe Districts. The proposed amendments would update and modify portions of the code pertaining to design standards.

Mr. Tomanek said staff recommends approval of the zoning ordinance text amendment relative to the DC-Downtown Core and DF-Downtown Fringe Districts, as presented.

Chairman Yeager opened the public hearing for the zoning ordinance text amendment relative to the DC-Downtown Core and DF-Downtown Fringe Districts.

Loran Galpin expressed his concerns with historic preservation and historical significance and the section referring to vacant buildings of the zoning ordinance text amendment.

Chairman Yeager closed the public hearing.

After a brief discussion it was the general consensus of the Bismarck Planning & Zoning Commission to approve the zoning ordinance text amendment relative to the DC-Downtown Core and DF-Downtown Fringe Districts as presented.

**MOTION:** Commissioner Hegedus made a motion to approve the zoning ordinance text amendment relative to the DC-Downtown Core and DF-Downtown Fringe Districts. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Hegedus, Juhala, Laning, Yeager and Warford voting in favor of the motion.

## **OTHER BUSINESS**

There was no other business.

## **ADJOURNMENT**

There being no further business Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 7:19 p.m. to meet again on March 23, 2011.

Respectfully submitted,

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Kimberley Gaffrey  
Recording Secretary

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Wayne Yeager  
Chairman



**Major Permit Activity  
February 2011**

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Non-deeded Owner:	MDCTR 1-ENT Audiology & Allergy
Address:	715 East Broadway Avenue
Cost:	\$525,000.00
Description:	7000 square feet for clinic office space

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Non-deeded Owner:	Dan's Supermarket South
Address:	835 South Washington Street
Cost:	\$904,700.00
Description:	1st floor interior renovation

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DATE SELECTION 2/2011

Permit Type	***** City *****		***** ETA *****		***** County *****	
	2/2011	2/2010	2/2011	2/2010	2/2011	2/2010
	Permits	Valuation	Permits	Valuation	Permits	Valuation
SINGLE FAMILY DETACHED	2	132,817.00	1	209,252.00	0	.00
SINGLE FAMILY ATTACHED	0	.00	0	.00	0	.00
TWO UNIT	0	.00	0	.00	0	.00
THREE & FOUR FAMILY	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	0	.00	0	.00	0	.00
CONDO/TOWNHOUSE-1 HR.WALL	0	.00	0	.00	0	.00
MANUFACTURED HOMES	0	.00	1	.00	0	.00
MOBILE HOME WITHOUT EXTRA	0	.00	0	.00	0	.00
MOBILE HOME WITH EXTRAS	0	.00	0	.00	0	.00
MOBILE HOME MISCELLANEOUS	0	.00	0	.00	0	.00
HOTELS	0	.00	0	.00	0	.00
MOTELS	0	.00	0	.00	0	.00
GROUP QUARTERS	0	.00	1	10,350.00	0	.00
NON-STRUCTURAL DEVELOPMEN	0	.00	0	.00	0	.00
AMUSEMENT & RECREATION	0	.00	0	.00	0	.00
CHURCHES AND RELIGIOUS	0	.00	0	.00	0	.00
INDUSTRIAL	0	.00	0	.00	0	.00
RESEARCH & DEVELOPMENT	0	.00	0	.00	0	.00
AUTO SERVICE AND REPAIR	0	.00	0	.00	0	.00
HOSPITALS & INSTITUTIONAL	0	.00	0	.00	0	.00
OFFICE, BANK & PROFESSION	0	.00	0	.00	0	.00
SCHOOLS AND EDUCATIONAL	0	.00	0	.00	0	.00
COMM (RETAIL SALES)	0	.00	0	.00	0	.00
OTHER (PUBLIC PARKING GAR	0	.00	0	.00	0	.00
OTHER STRUCTURES	0	.00	1	85,114.00	0	.00
PUBLIC BUILDING	0	.00	0	.00	0	.00
ROOM ADDITIONS	1	42,900.00	0	.00	0	.00
RESIDENTIAL GARAGES	0	.00	1	21,120.00	1	22,400.00
PATIOS AND COVERS	0	.00	0	.00	0	.00
SWIMMING POOLS AND SPAS	0	.00	0	.00	0	.00
OTHER	3	139,000.00	0	.00	1	500.00
HOME OCCUPATIONS	0	.00	0	.00	0	.00
STORAGE SHEDS	0	.00	0	.00	0	.00
BASEMENT FINISH	22	102,747.00	12	54,436.00	2	7,053.00
INDUSTRIAL BUILDINGS	0	.00	0	.00	0	.00
COMMERCIAL BUILDINGS	6	1,142,815.00	0	.00	1	84,100.00
					5	22,196.00
					0	.00
					1	6,000.00
					0	.00
					0	.00

DATE SELECTION 2/2011

Permit Type	***** City *****				***** ETA *****				***** County *****			
	2/2011		2/2010		2/2011		2/2010		2/2011		2/2010	
	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation
OFFICE & PROFESSIONAL BLD	4	841,253.00	6	438,672.00	0	.00	0	.00	0	.00	0	.00
OTHER	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
ALTER PUBLIC	1	8,729.00	1	400,000.00	0	.00	0	.00	0	.00	0	.00
APTS TO CONDO	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
RESIDENTIAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER	2	.00	0	.00	0	.00	0	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NURSERY STOCK SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
CIRCUS/CARNIVAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NEW SIGN PERMIT	2	5,966.00	3	9,950.00	0	.00	0	.00	0	.00	0	.00
SIGN ALTERATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
Permit Type Total	43	2,416,227.00	27	1,228,894.00	4	113,553.00	6	22,696.00	3	136,180.00	1	6,000.00

	DATE SELECTION 2/2011					
	***** City *****		***** ETA *****		***** County *****	
Permit Type	2/2011	2/2010	2/2011	2/2010	2/2011	2/2010
	Permits	Permits	Permits	Permits	Permits	Permits
Plumbing	19	15	3	2	0	0
Electrical	62	30	0	0	0	0
Mechanical	113	52	12	9	1	2
Drain Field	0	0	0	0	0	0
Hood Suppression	2	3	0	0	0	0
SprinklerStandpipe	4	0	0	0	0	0
Alarm Detection	1	0	0	0	0	0
Total	201	100	15	11	1	2

	***** City *****		***** ETA *****		***** County *****	
	2/2011	2/2010	2/2011	2/2010	2/2011	2/2010
Living Units	Units	Units	Units	Units	Units	Units
SINGLE FAMILY DETACHED	1	1	0	0	0	0
GROUP QUARTERS	0	1	0	0	0	0
BASEMENT FINISH	1	1	0	0	0	0
Total	2	3	0	0	0	0

DATE SELECTION 1/2011

Permit Type	***** City *****		***** ETA *****		***** County *****	
	1/2011 Permits	Valuation	1/2010 Permits	Valuation	1/2011 Permits	Valuation
SINGLE FAMILY DETACHED	2	290,481.00	3	479,684.00	1	181,010.00
SINGLE FAMILY ATTACHED	0	.00	0	.00	0	.00
TWO UNIT	0	.00	0	.00	0	.00
THREE & FOUR FAMILY	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	0	.00	0	.00	0	.00
CONDO/TOWNHOUSE-1 HR.WALL	0	.00	0	.00	0	.00
MANUFACTURED HOMES	1	2,520.00	0	.00	0	.00
MOBILE HOME WITHOUT EXTRA	0	.00	0	.00	0	.00
MOBILE HOME WITH EXTRAS	0	.00	0	.00	0	.00
MOBILE HOME MISCELLANEOUS	0	.00	0	.00	0	.00
HOTELS	0	.00	0	.00	0	.00
MOTELS	0	.00	0	.00	0	.00
GROUP QUARTERS	0	.00	1	134,350.00	0	.00
NON-STRUCTURAL DEVELOPMEN	0	.00	0	.00	0	.00
AMUSEMENT & RECREATION	0	.00	0	.00	0	.00
CHURCHES AND RELIGIOUS	0	.00	0	.00	0	.00
INDUSTRIAL	0	.00	0	.00	0	.00
RESEARCH & DEVELOPMENT	0	.00	0	.00	0	.00
AUTO SERVICE AND REPAIR	0	.00	0	.00	0	.00
HOSPITALS & INSTITUTIONAL	0	.00	0	.00	0	.00
OFFICE, BANK & PROFESSION	0	.00	0	.00	0	.00
SCHOOLS AND EDUCATIONAL	0	.00	0	.00	0	.00
COMM (RETAIL SALES)	0	.00	0	.00	0	.00
OTHER (PUBLIC PARKING GAR	0	.00	0	.00	0	.00
OTHER STRUCTURES	0	.00	0	.00	0	.00
PUBLIC BUILDING	0	.00	0	.00	0	.00
ROOM ADDITIONS	0	.00	0	.00	1	96,115.00
RESIDENTIAL GARAGES	0	.00	0	.00	0	.00
PATIOS AND COVERS	0	.00	0	.00	0	.00
SWIMMING POOLS AND SPAS	0	.00	0	.00	0	.00
OTHER	7	55,400.00	9	661,163.00	0	.00
HOME OCCUPATIONS	0	.00	1	.00	0	.00
STORAGE SHEDS	1	800.00	0	.00	0	.00
BASEMENT FINISH	13	66,939.00	8	38,098.00	4	29,554.00
INDUSTRIAL BUILDINGS	0	.00	1	5,200.00	0	.00
COMMERCIAL BUILDINGS	3	400,260.00	4	194,100.00	0	.00



DATE SELECTION 1/2011

Permit Type	***** City *****				***** ETA *****				***** County *****			
	1/2011		1/2010		1/2011		1/2010		1/2011		1/2010	
	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation
OFFICE & PROFESSIONAL BLD	3	1,119,190.00	4	610,482.00	0	.00	0	.00	0	.00	0	.00
OTHER	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
ALTER PUBLIC	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
APTS TO CONDO	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
RESIDENTIAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER	3	.00	0	.00	0	.00	0	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NURSERY STOCK SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
CIRCUS/CARNIVAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NEW SIGN PERMIT	4	74,189.00	1	7,000.00	0	.00	0	.00	0	.00	0	.00
SIGN ALTERATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
	37	2,009,779.00	32	2,130,077.00	5	210,564.00	7	158,898.00	0	.00	2	11,650.00

DATE SELECTION 1/2011

Permit Type	***** City *****		***** ETA *****		***** County *****	
	1/2011 Permits	1/2010 Permits	1/2011 Permits	1/2010 Permits	1/2011 Permits	1/2010 Permits
Plumbing	24	14	3	1	0	0
Electrical	102	60	0	0	0	0
Mechanical	78	81	14	8	1	2
Drain Field	0	0	0	0	0	0
Hood Suppression	0	1	0	0	0	0
SprinklerStandpipe	0	0	0	0	0	0
Alarm Detection	0	0	0	0	0	0
Total	204	156	17	9	1	2

DATE SELECTION 1/2011

	***** City *****		***** ETA *****		***** County *****	
Living Units	Units 1/2011	Units 1/2010	Units 1/2011	Units 1/2010	Units 1/2011	Units 1/2010
SINGLE FAMILY DETACHED	2	3	1	0	0	0
GROUP QUARTERS	0	1	0	0	0	0
BASEMENT FINISH	1	1	0	1	0	0
Total	3	5	1	1	0	0